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Public General Acts and Measures, 1960

CORRECTION

TABLE I

For " 689 " (Civil Aviation (Licensing) Act (c. 38)) substitute 399

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General Acts and Measures, 1906

CORRECTION

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THE
PUBLIC GENERAL ACTS
AND CHURCH ASSEMBLY MEASURES
1961

being those which received the Royal Assent during that year
having been passed in the
Second or Third Session
of the Forty-second Parliament of the
United Kingdom of Great Britain and Northern Ireland
and during the
NINTH AND TENTH 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

9 & 10 ELIZ. 2

CHAPTER 7

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-one.
[2nd March, 1961]

Most Gracious Sovereign,

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

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

Issue of
£42,877,600
out of the
Consolidated Fund
for the service of
the year ending
31st March, 1961

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 forty-two million, eight hundred and seventy-seven thousand and six hundred pounds.

Power for
the Treasury
to borrow.

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

40 & 41 Vict.
c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with 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.

3. This Act may be cited as the Consolidated Fund Act, 1961. Short title.



CHAPTER 8

An Act to empower the Central Electricity Generating Board to produce radioactive material in a nuclear reactor at any of the Board's generating stations for sale or supply to other persons, and to sell or supply radioactive material produced in any such reactor; and for purposes connected therewith.

[2nd March, 1961]

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 powers
of Central
Electricity
Generating
Board.

1.—(1) Notwithstanding anything in the proviso to subsection (7) of section two of the Electricity Act, 1957 (which limits the powers of the Central Electricity Generating Board in respect of manufacture), the Central Electricity Generating Board shall have power (subject to the next following subsection) to produce radioactive material in a nuclear reactor at any of the Board's generating stations for the purpose of selling or otherwise supplying it to other persons; and the Board shall have power to sell or otherwise supply radioactive material produced in any such nuclear reactor.

(2) Subsection (9) of section two of the Electricity Act, 1947 (which provides that the powers conferred on Electricity Boards by that Act and by section two of the said Act of 1957 shall not authorise those Boards to disregard any enactment or rule of law) shall apply to any power exercisable by virtue of the preceding subsection.

(3) In accordance with the preceding subsections, the Electricity Acts, 1947 and 1957, shall have effect subject to the amendments and adaptations specified in the Schedule to this Act.

(4) Any additional sums which, by reason of the provisions of this Act, may be required to be issued out of the Consolidated Fund, or paid into the Exchequer, or raised by the Treasury, under section forty-two of the Finance Act, 1956 (which relates to Exchequer advances to nationalised industries and undertakings), or under section seventeen of the Electricity Act, 1957 (which relates to Treasury guarantees), shall be charged on and issued out of the Consolidated Fund, or paid into the Exchequer, or may be raised by the Treasury, as the case may be.

(5) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended or extended by or under any other enactment, including this Act.

(6) In this Act—

“radioactive material” means a substance produced by a process of nuclear fission or by any other process whereby a substance is subjected to bombardment by neutrons or is otherwise subjected to ionising radiations;

“nuclear reactor” means 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; and in this definition “plant” and “atomic energy” have the same meanings as in the Nuclear Installations (Licensing and Insurance) Act, 1959; and

“substance” means any natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour;

and for the purposes of this Act, and of section two of the Electricity Act, 1957, a substance possessing radioactivity which is wholly or partly attributable to a process shall be taken to be a substance produced by that process, and any reference to producing radioactive material shall be construed accordingly.

2.—(1) This Act may be cited as the Electricity (Amendment) Act, 1961. Short title,
citation
and extent.

(2) The Electricity Acts, 1947 and 1957, and this Act may be cited together as the Electricity Acts, 1947 to 1961.

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

SCHEDULE

AMENDMENTS AND ADAPTATIONS

The Electricity Act, 1947

The reference in subsection (9) of section two to the Electricity Act, 1957, and (except where the context otherwise requires) any other reference to that Act, shall be construed as a reference to that Act as amended by this Act.

The Electricity Act, 1957

In section two, after paragraph (a) of subsection (7), there shall be inserted the following paragraph:—

“(aa) to produce radioactive material in a nuclear reactor at any of the Generating Board’s generating stations for the purpose of selling or otherwise supplying it to other persons, and to sell or otherwise supply radioactive material produced in any such nuclear reactor”;

in the proviso to that subsection, after the words “in paragraph (a)”, there shall be inserted the words “or paragraph (aa)”: and at the end of that section there shall be added the following subsection:—

“(9) In this section ‘radioactive material’ and ‘nuclear reactor’ have the meanings assigned to them respectively by subsection (6) of section one of the Electricity (Amendment) Act, 1961, and any reference to producing radioactive material shall be construed in accordance with that subsection.”

Table of Statutes referred to in this Act

| Short Title | Session and Chapter |
|--|------------------------|
| Electricity Act, 1947 | 10 & 11 Geo. 6. c. 54. |
| Finance Act, 1956 | 4 & 5 Eliz. 2. c. 54. |
| Electricity Act, 1957 | 5 & 6 Eliz. 2. c. 48. |
| Nuclear Installations (Licensing and Insurance) Act, 1959 | 7 & 8 Eliz. 2. c. 46. |

CHAPTER 9

An Act to provide for contributory pension schemes in respect of persons employed at certain agricultural institutions and colleges financed wholly or partly out of public funds. [2nd March, 1961]

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:—

Pension schemes for employees of certain agricultural institutions and colleges.

1.—(1) The Agricultural Research Council may with the approval of the Minister for Science make a scheme or schemes, and the Secretary of State and the Minister of Agriculture, Fisheries and Food may each make a scheme or schemes, providing for the payment by the authority who made the scheme, in such circumstances as may be specified by the scheme, of pensions, gratuities and other benefits to and in respect of persons, or any class or description of persons, employed—

- (a) in the case of a scheme made by the Council, at an institution or department of an institution which has been established or developed by the Council or which, in the opinion of the Council, is wholly or mainly maintained by grants made by the Council;
- (b) in the case of a scheme made by the Secretary of State, at an agricultural research institution or agricultural college in Scotland which, in the opinion of the Secretary of State, is wholly or mainly maintained by grants made by him;
- (c) in the case of a scheme made by the Minister of Agriculture, Fisheries and Food, at the National Institute of Agricultural Botany;

and a scheme shall provide for the payment of contributions to the said authority by persons so employed who participate in the scheme.

(2) Any sums paid by or to the Council in pursuance of a scheme under this section shall be paid out of or, as the case may be, into the Agricultural Research Fund, and there shall also be paid into the Fund such moneys as may be provided by Parliament for the purpose of defraying the whole or part of the payments made out of the Fund by virtue of this Act; and any sums paid by or to the Secretary of State or the Minister of Agriculture, Fisheries and Food in pursuance of a scheme under this section shall be defrayed out of moneys provided by Parliament or, as the case may be, shall be paid into the Exchequer.

(3) Nothing in this section shall prejudice any power conferred by the Council's charter as for the time being in force, or any pension scheme made under such a power.

2.—(1) This Act may be cited as the Agricultural Research etc. (Pensions) Act, 1961, and may be cited together with the Agricultural Research Act, 1956, as the Agricultural Research Acts, 1956 and 1961. Citation
and extent.
4 & 5 Eliz. 2.
c. 28.

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

CHAPTER 10

An Act to authorise the Secretary of State to contribute to the expenses incurred in connection with the employment of persons in the public services of overseas territories or in respect of compensation paid to persons who are or have been employed in those services.

[2nd March, 1961]

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

1.—(1) The Secretary of State may enter into agreements with governments of overseas territories for reimbursing those governments, to the extent specified in the agreements, in respect of such expenses incurred by them— Power to
contribute
to expenses

- (a) in connection with the employment in the public services of their territories of persons designated by him in accordance with the agreements; or
- (b) in respect of compensation paid to persons so designated who are or have been employed in those services, as may be specified in the agreements; and may out of moneys provided by Parliament make any payments falling to be made under the agreements.

(2) No such agreement shall be entered into, and no person shall be designated under such an agreement, except with the consent of the Treasury.

(3) The consent of the Treasury to the designation of any person under such an agreement may be given generally in respect of persons of such descriptions, and subject to such limitations (if any), as may be specified in the consent.

6 & 7 Eliz. 2.
c. 14.

(4) Subsections (1) to (3) of section seven of the Overseas Service Act, 1958, shall apply to the interpretation of this section as if it were contained in that Act.

Short title.

2. This Act may be cited as the Overseas Service Act, 1961

CHAPTER 11

An Act to provide for conferring certain immunities on representatives of Governments of Commonwealth countries and the Republic of Ireland attending conferences in the United Kingdom and on their staffs.
[2nd March, 1961]

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:—

Diplomatic immunities of Commonwealth representatives attending conferences.

1.—(1) Where a conference is held in the United Kingdom and is attended by representatives of Her Majesty's Government in the United Kingdom and of the government or governments of one or more countries to which this section applies, the Secretary of State may compile a list of representatives of the last-mentioned government or governments attending the conference and members of their official staffs, and cause that list to be published in the London, Edinburgh and Belfast Gazettes, and every representative of a government to which this section applies who is for the time being included in the list shall, for the purpose of any enactment and rule of law or custom relating to the immunities of an envoy of a foreign Sovereign Power accredited to Her Majesty and of the retinue of such an envoy, be treated as if he were such an envoy and, subject to the provisions of this section, such of the members of his official staff as are for the time being included in the list shall be treated for the purpose aforesaid as if they were his retinue.

(2) Whenever it appears to the Secretary of State that any person ceases or begins to be qualified for inclusion in a list compiled under the foregoing subsection he may amend the list and cause a notice of the amendment or, if he thinks fit, an amended list to be published in the London, Edinburgh and Belfast Gazettes.

(3) Every list or notice published under this section in relation to any conference shall include a statement of the date from which the list or amendment takes or took effect; and the fact that any person is or was included or not included at any time among the persons entitled to diplomatic immunities as representatives attending the conference or as members of the official staff of any such representative may, if a list of those persons has been so published, be conclusively proved by producing the Gazette containing the list or, as the case may be, the last list taking effect before that time, together with the Gazettes (if any) containing notices of the amendments taking effect before that time, and by showing that the name of that person is or was at that time included or not included in the said list.

(4) A person who is a member of the official staff of a representative of the government of a country to which this section applies and is a citizen of the United Kingdom and Colonies and is not a citizen of that country shall not be entitled under the foregoing provisions of this section to any immunity except in respect of things done or omitted to be done in the course of the performance of his duties, and the name of a person whose immunity is limited by this subsection shall be entered in a separate part of any list compiled by the Secretary of State under subsection (1) of this section.

(5) The countries to which this section applies are Canada, Australia, New Zealand, the Union of South Africa, India, Pakistan, Ceylon, Ghana, the Federation of Malaya, Nigeria, the Federation of Rhodesia and Nyasaland and the Republic of Ireland.

2.—(1) Her Majesty may by Order in Council provide for including among the countries to which the foregoing section applies any country specified in the Order, being a country within the Commonwealth. Power to extend s. 1 to other Commonwealth countries.

(2) No recommendation shall be made to Her Majesty in Council to make an Order under this section unless a draft thereof has been laid before Parliament and approved by resolution of each House of Parliament.

3.—(1) This Act may be cited as the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961. Short title and extent.

(2) This Act extends to Northern Ireland.

CHAPTER 12

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 sixty, one thousand nine hundred and sixty-one and one thousand nine hundred and sixty-two. [28th March, 1961]

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:—

Issue of £86,532,898
15s. 2d. out of the
Consolidated Fund
for the service of
the years ending
31st March, 1960
and 1961.

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 sixty and one thousand nine hundred and sixty-one, the sum of eighty-six million, five hundred and thirty-two thousand, eight hundred and ninety-eight pounds, fifteen shillings and twopence.

Issue of
£2,108,686,200
out of the
Consolidated Fund
for the service of
the year ending
31st March, 1962.

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-two, the sum of two thousand one hundred and eight million, six hundred and eighty-six thousand and two hundred pounds.

Power for
the Treasury
to borrow.

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

(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-two, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills) shall not apply with respect to those bills.

40 & 41 Vict.
c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with 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.

4. This Act may be cited as the Consolidated Fund (No. 2) Short title Act, 1961.

CHAPTER 13

An Act to increase the rates of national health service contributions and to amend the National Health Service Contributions Act, 1957, and for purposes connected therewith.
[28th March, 1961]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards providing such sums as may be required for the national health service in England and Wales, and in Scotland, have freely and voluntarily resolved to give and grant unto Your Majesty the increased contributions 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.—(1) In the National Health Service Contributions Act, 1957 (in this Act referred to as "the principal Act"), the provisions set out in the First Schedule to this Act shall be substituted, as from the appointed day, for the existing provisions of the First Schedule to that Act.

(2) As from the appointed day, any reference in the principal Act to a column or paragraph of the First Schedule to that Act

A*

shall be construed as a reference to the corresponding column or paragraph of the provisions substituted by the preceding subsection for the existing provisions of that Schedule.

(3) The provisions of the Second Schedule to this Act (which contains minor amendments of the principal Act) shall have effect.

(4) Subsection (6) of section three of the principal Act (which relates to the Crown) and section five of the principal Act (which relates to Northern Ireland) shall apply in relation to this Act as they apply in relation to that Act.

(5) There shall be paid out of moneys provided by Parliament any increase attributable to the provisions of this Act in—

- (a) the expenses so payable under subsection (3) of section four of the principal Act;
- (b) the sums so payable under subsection (4) of that section (which relates to financial adjustments with Northern Ireland and the Isle of Man).

(6) The National Health Service Contributions Act, 1958, is hereby repealed as from the appointed day.

(7) In this Act “the appointed day” means such day as the Treasury may appoint by order made by statutory instrument, and any reference to the existing provisions of the First Schedule to the principal Act is a reference to the provisions substituted by the National Health Service Contributions Act, 1958, for the provisions of that Schedule as originally enacted.

Short title,
citation
and extent.

2.—(1) This Act may be cited as the National Health Service Contributions Act, 1961; and the National Health Service Contributions Act, 1957, and this Act may be cited together as the National Health Service Contributions Acts, 1957 and 1961.

(2) Without prejudice to the operation, in relation to any matters arising out of this Act, of any provisions of the National Insurance Acts, 1946 to 1960, relating to Northern Ireland, this Act, except subsection (4) of the preceding section, shall not extend to Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Section 1.

PROVISIONS TO BE SUBSTITUTED IN FIRST SCHEDULE TO NATIONAL
HEALTH SERVICE CONTRIBUTIONS ACT, 1957

RATES OF NATIONAL HEALTH SERVICE CONTRIBUTIONS

| <i>Description of person</i> | <i>Weekly rate of contribution</i> |
|--|--|
| | s. d. |
| 1. Employed men between the ages of 18 and 70, not including men over the age of 65 who have retired from regular employment | 2 8½ |
| 2. Employed women between the ages of 18 and 65, not including women over the age of 60 who have retired from regular employment | 2 0½ |
| 3. Employed boys and girls under the age of 18 ... | 1 4½ |
| 4. Employers | 7½ |
| 5. Self-employed men between the ages of 18 and 70, not including men over the age of 65 who have retired from regular employment | 2 10 |
| 6. Self-employed women between the ages of 18 and 65, not including women over the age of 60 who have retired from regular employment | 2 2 |
| 7. Self-employed boys and girls under the age of 18 ... | 1 6 |
| 8. Non-employed men between the ages of 18 and 65... | 2 10 |
| 9. Non-employed women between the ages of 18 and 60 | 2 2 |
| 10. Non-employed boys and girls under the age of 18... | 1 6 |

SECOND SCHEDULE

Section 1.

AMENDMENTS OF NATIONAL HEALTH SERVICE
CONTRIBUTIONS ACT, 1957

1.—(1) Each of the Acts mentioned in the next following sub-paragraph shall, to the extent specified in sub-paragraph (3) of this paragraph, be deemed as from the appropriate date to have been included among the Acts mentioned in subsection (1) of section one of the principal Act; and that subsection, and any reference in the principal Act to “the National Insurance Acts”, shall have effect, and be deemed to have had effect, accordingly.

(2) The said Acts are the National Insurance Act, 1957, the National Insurance (No. 2) Act, 1957, the Family Allowances and National Insurance Act, 1959, the National Insurance Act, 1959, and the National Insurance Act, 1960.

2ND SCH.

(3) The following provisions of the said Acts, that is to say—

- (a) subsections (1) and (2) of section one, and section seven, of the National Insurance Act, 1959, in so far as they relate to matters other than graduated contributions and payments in lieu of contributions, and
- (b) the whole of each of the other Acts in so far as it is included among the Acts which may be cited together as the National Insurance Acts, 1946 to 1960,

shall be deemed to have been included as mentioned in sub-paragraph (1) of this paragraph.

(4) Subsection (4) of section three of the principal Act shall have effect, and shall be deemed to have had effect as from the passing of the National Insurance Act, 1959, as if after the words “ National Insurance Acts ” there were inserted the words “ the National Insurance Act, 1959 (in so far as, for the purposes of this Act, it is not included among the National Insurance Acts) ”.

(5) Notwithstanding anything in the preceding sub-paragraphs, nothing in subsections (1) and (2) of section three of the principal Act shall be construed as affecting, or as having affected, the rates of any contributions; and nothing in section two of that Act shall be taken to have reduced the rates of any contributions, other than those in force at the passing of that Act, and in subsection (1) of that section the words from “ and the payment ” onwards are hereby repealed.

(6) In this paragraph “ the appropriate date ”, in relation to the National Insurance Act, 1957, means the date of the passing of the principal Act, and, in relation to each of the other Acts mentioned in sub-paragraph (2) of this paragraph, means the date of the passing of each such Act respectively.

2. For the purposes of the making of any regulations after the passing of this Act (including any regulations varying or revoking regulations made either before or after the passing thereof) subsection (7) of section three of the principal Act (which empowers the Minister of Health and the Secretary of State by regulations to make special provision with respect to masters and members of the crews of foreign-going ships) shall have effect as if, for the words “ The Minister of Health and the Secretary of State may jointly ”, there were substituted the words “ The Treasury may ”.

3. Section four of the principal Act (which contains financial provisions) shall have effect, and shall be deemed to have had effect as from the passing of that Act, as if—

- (a) in subsection (1), after the words “ his expenses ” there were inserted the words “ and (subject to subsection (3A) of this section) those of any other government department ”, and at the end of that subsection there were inserted the words “ and in estimating expenses for the purposes of this subsection there shall be included such amounts as are mentioned in paragraphs (a) and (b) of subsection (2) of section thirty-eight of the Act of 1946 (which paragraphs relate respectively to liabilities on account of pensions and other payments

and to the use of premises belonging to the Crown), in so far as those amounts are determined by the Treasury to be attributable to the collection and application of national health service contributions”;

2ND SCH.

- (b) in subsection (3), for the words from “ administrative expenses ” to “ Secretary of State ” there were substituted the words “ expenses incurred by the Minister of Pensions and National Insurance or (subject to subsection (3A) of this section) by any other government department in carrying this Act into effect ”;
- (c) after subsection (3), there were inserted the following subsections:—

“ (3A) Without prejudice to the operation of any enactment requiring payment to be made by the Minister of Pensions and National Insurance for work done by the Postmaster General, and without prejudice to the taking into account, as expenses incurred by that Minister, of payments so made by him, any reference in the preceding provisions of this section to expenses of government departments shall, in relation to any time on or after the first day of April, nineteen hundred and sixty-one, be construed as not including any expenses incurred by the Postmaster General.

(3B) Any expenses, or amounts included in estimating expenses, in so far as, for the purposes of subsection (1) of this section, they are treated as attributable to the collection and application of national health service contributions, shall be left out of account under section thirty-eight of the Act of 1946 ”; and

- (d) in subsection (6), for the words “ that Minister’s expenses ” there were substituted the words “ so much of the expenses and amounts, in respect of which sums are required to be retained under subsection (1) of this section, as is ”.

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Table of Statutes referred to in this Act

| Short title | Session and chapter |
|---|-----------------------|
| 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. |
| National Health Service Contributions Act, 1958 | 6 & 7 Eliz. 2. c. 20. |
| Family Allowances and National Insurance Act, 1959 | 7 & 8 Eliz. 2. c. 18. |
| National Insurance Act, 1959 | 7 & 8 Eliz. 2. c. 47. |
| National Insurance Act, 1960 | 9 Eliz. 2. c. 5. |

CHAPTER 14

Nurses (Amendment) Act, 1961

ARRANGEMENT OF SECTIONS

Section

1. Roll of assistant nurses to be known as roll of nurses.
2. Standards of training for admission to register and roll.
3. Registration of nurses trained abroad.
4. Increase in members of General Nursing Council for England and Wales.
5. Failure to attend meetings of Councils for England and Wales or Scotland, or their committees.
6. Continuance in office of appointed members of Councils, etc., notwithstanding loss of certain qualifications.
7. Failure to elect members of Councils or their committees.
8. Expenses of members of committees of General Nursing Council for England and Wales.
9. Attendance of witnesses, and administration of oaths, in disciplinary, etc., proceedings.
10. Assessors in disciplinary, etc., proceedings.
11. Surrender of certificates and badges on removal from register, roll or list.
12. Interpretation.
13. Extension of powers of Parliament of Northern Ireland.
14. Consequential and minor amendments, and repeals.
15. Short title, citation, commencement and extent.

SCHEDULES:

First Schedule—Consequential and minor amendments.

Second Schedule—Enactments repealed.

An Act to amend the law relating to nurses for the sick.
[28th March, 1961]

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:—

Roll of
assistant nurses
to be known as
roll of nurses.

1.—(1) The roll of assistant nurses maintained for England and Wales under paragraph (b) of subsection (1) of section two of the Act of 1957, and that maintained for Scotland under subsection (1) of section three of the Act of 1951, shall each be known as the roll of nurses; and the Assistant Nurses Committee under each of the said Acts shall be known as the Enrolled Nurses Committee.

(2) Any reference in rules made by the General Nursing Council for England and Wales or the General Nursing Council for Scotland, or in any certificate issued in pursuance of any such rules, to the roll of assistant nurses, the Assistant Nurses Committee, or an enrolled assistant nurse or assistant nurse, shall be construed as a reference to the roll of nurses, the Enrolled Nurses Committee, or an enrolled nurse, as the case may be.

Standards of
training for
admission to
register and
roll.

2. The training required by rules made under section three of the Act of 1957, or section six of the Act of 1951, as a condition of admission to the register shall be of a more advanced standard than that required by the rules as a condition of admission to the roll.

3. Subsection (2) of section four of the Act of 1957 and subsection (2) of section seven of the Act of 1951 (under which the General Nursing Council for England and Wales and the General Nursing Council for Scotland respectively, if of opinion that a person whose training abroad does not qualify him for registration could properly be registered after undergoing such further training in the United Kingdom as they may specify, may register that person on his undergoing the specified training in the United Kingdom to their satisfaction) shall each have effect with the omission of the words " in the United Kingdom " in both places where they occur.

Registration
of nurses
trained
abroad.

4.—(1) In sub-paragraph (a) of paragraph 1 of the First Schedule to the Act of 1957 (which provides that the number of elected members of the General Nursing Council for England and Wales shall be seventeen) for the word "seventeen" there shall be substituted the word "eighteen"; and in paragraphs 2 and 4 of that Schedule (which, amongst other things, require fourteen of the said elected members to be nurses registered in the general part of the register, and provide for the division of England and Wales into fourteen areas and for one such nurse to be elected for each such area) for the word "fourteen", in each place where that word occurs, there shall be substituted the word "fifteen".

Increase in
members of
General
Nursing
Council for
England and
Wales.

(2) In sub-paragraph (b) of paragraph 1 of the said First Schedule (which provides that twelve persons shall be appointed to membership of the Council by the Minister of Health) for the word "twelve" there shall be substituted the word "thirteen".

(3) The foregoing provisions of this section shall come into force at the beginning of the year nineteen hundred and sixty-two, and—

- (a) from then until the expiration on the twenty-first day of September, nineteen hundred and sixty-five, of the terms of office of the elected members of the Council holding office at the commencement of this Act, the additional place on the Council under subsection (1) of this section shall be filled by a person appointed thereto by the Council, being a nurse registered in the general part of the register who, on the date of the appointment, is engaged in such area as the Minister of Health may determine in nursing or in other work for which the employment of a registered nurse is requisite or for which a registered nurse is commonly employed;
- (b) the term of office of the additional member first appointed to the Council by virtue of subsection (2) of this section shall expire on the twenty-first day of September, nineteen hundred and sixty-three, being the date of

expiration of the terms of office of the appointed members of the Council holding office at the commencement of this Act.

Failure to attend meetings of Councils for England and Wales or Scotland, or their committees.

5.—(1) If a member of the General Nursing Council for England and Wales or the General Nursing Council for Scotland fails throughout a period of six consecutive months beginning on or after the date of the commencement of this Act to attend any meeting of the Council, then, unless they are satisfied that the failure was due to illness or other reasonable cause, the Council shall forthwith declare his place thereon to be vacant, and his membership of the Council, and of any committee of the Council, shall thereupon cease.

(2) For the purposes of the foregoing subsection, the attendance of a member of a Council at a meeting of any committee thereof of which he is also a member shall be deemed to be attendance at a meeting of the Council.

(3) Subject to the following subsection, if a member of any committee of the General Nursing Council for England and Wales or the General Nursing Council for Scotland fails throughout a period of six consecutive months beginning on or after the date of the commencement of this Act to attend any meeting of that committee, then, unless they are satisfied that the failure was due to illness or other reasonable cause, the committee (or, in the case of a committee constituted by either of the said Councils in pursuance of rules made by them under paragraph 11 of the First Schedule to the Act of 1957 or, as the case may be, paragraph 9 of the First Schedule to the Act of 1951, the Council by whom the committee was constituted) shall forthwith declare his place on the committee to be vacant, and his membership of the committee shall thereupon cease.

(4) The last foregoing subsection does not apply in relation to the place on the Mental Nurses Committee of either of the said Councils of any person who, by virtue of his membership of the Council in question, is required to be appointed to the said committee.

Continuance in office of appointed members of Councils, etc. notwithstanding loss of certain qualifications.

6. Where a person appointed by the Minister of Health or, as the case may be, the Secretary of State to a place on the General Nursing Council for England and Wales or the General Nursing Council for Scotland, or to a place on the Mental Nurses Committee of either of those Councils, ceases during his term of office to possess any qualification which he was required to possess as a condition of his appointment to that place but which consisted only of the holding by him of any employment or position, or of his being engaged in the teaching of any subject, his said place shall not become vacant by reason only of that fact unless, after consulting with the appropriate Council, the Minister or, as the case may be, the Secretary of State so determines.

7.—(1) Where a place on any body is required by the Act of 1957 or the Act of 1951 to be filled on any date by a person elected thereto, and, at the election of members of the body to take office on the date in question, no person is elected to that place, the place shall be filled instead by a person appointed thereto in accordance with the provisions of this section, being a person who would have been qualified for election thereto at the said election; and the person appointed shall, for the purposes of the Act of 1957 or, as the case may be, the Act of 1951, be deemed to have been so elected.

Failure to elect members of Councils or their committees.

(2) An appointment to any place under the foregoing subsection shall be made as soon as may be after the date mentioned in that subsection, and—

- (a) in the case of a place on the General Nursing Council for England and Wales, the General Nursing Council for Scotland, or the Mental Nurses Committee of either of those Councils, shall be made by the Council in question;
- (b) in the case of a place on the Enrolled Nurses Committee of the General Nursing Council for England and Wales, shall be made by the Minister of Health;
- (c) in the case of a place on the Enrolled Nurses Committee of the General Nursing Council for Scotland, shall be made by the Secretary of State.

8. Sub-paragraph (a) of paragraph 13 of the First Schedule to the Act of 1957 (which authorises the General Nursing Council for England and Wales to make payments to members of the Council who have suffered loss of earnings or incurred additional expenses in performing duties as members of the Council) shall be amended as follows, that is to say—

Expenses of members of committees of General Nursing Council for England and Wales.

- (a) after the words “ may pay to the members thereof ” there shall be inserted the words “ and to the members of any committee thereof ”, and
- (b) at the end thereof there shall be added the words “ or committee, as the case may be ”;

and accordingly, paragraph 10 of the Third Schedule to the said Act and paragraph 10 of the Fourth Schedule thereto (which authorise the making of like payments to members of the Mental Nurses Committee and the Enrolled Nurses Committee of the Council respectively) shall cease to have effect.

9.—(1) For the purposes of any proceedings before the General Nursing Council for England and Wales, or any committee of that Council, relating to the removal of a person from, or his restoration to, the register, the roll or the list—

Attendance of witnesses, and administration of oaths, in disciplinary, etc., proceedings.

- (a) the body before whom the proceedings are held may administer oaths, and

- (b) any solicitor to the Council, and any person entitled to appear at the proceedings, may sue out writs of subpoena ad testificandum and duces tecum;

but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.

(2) Section forty-nine of the Supreme Court of Judicature (Consolidation) Act, 1925 (which provides a special procedure for the issue of such writs so as to be in force throughout the United Kingdom), shall apply in relation to any such proceedings as aforesaid as it applies in relation to causes or matters in the High Court.

(3) For the purposes of any proceedings before the General Nursing Council for Scotland, or any committee of that Council, relating to the removal of a person from, or his restoration to, the register or roll—

- (a) the body before whom the proceedings are held may administer oaths, and
- (b) the Court of Session shall, on the application of any party to the proceedings, have the like power as in any action in that Court,
- (i) to grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the body before whom the proceedings are held, and for the issue of letters of second diligence against any witness or haver failing to appear after due citation,
- (ii) to grant warrant for the recovery of documents, and
- (iii) to grant commissions to persons to take the evidence of witnesses or to examine havers and to receive their exhibits and productions.

Assessors in
disciplinary,
etc., pro-
ceedings.

10.—(1) In all proceedings before the General Nursing Council for England and Wales or, as the case may be, the General Nursing Council for Scotland, or any committee of either of those Councils, relating to the removal of a person from the register or the roll for disciplinary reasons, there shall, for the purpose of advising the body before whom the proceedings are held on questions of law arising in the proceedings, be an assessor to that body; and any such body may, if they think fit, determine that an assessor under this section shall, for the purpose of advising them as aforesaid, be present at any other proceedings before them relating to the removal of a person from the register or the roll, or at any proceedings before them relating to the restoration of a person to the register or the roll.

In England and Wales, the provisions of this subsection shall apply in relation to proceedings for the removal of a person

from, or his restoration to, the list as they apply in relation to proceedings for the removal of a person from the register or, as the case may be, his restoration thereto.

(2) An assessor under this section shall be a barrister, advocate or solicitor of not less than ten years' standing.

(3) The power of appointing assessors under this section shall be exercisable by the General Nursing Council for England and Wales or, as the case may be, the General Nursing Council for Scotland; but if, at any particular proceedings before a committee of either of those Councils, no assessor appointed by the Council in question is available to act, the committee may appoint an assessor under this section to act at those proceedings.

(4) The Lord Chancellor for the purposes of proceedings in England and Wales, and the Lord President of the Court of Session for the purposes of proceedings in Scotland, may, by statutory instrument, make rules as to the functions of assessors appointed under this section; and, in particular, rules under this section may contain such provisions for securing—

(a) that where an assessor advises a body before whom proceedings are held on any question of law as to evidence, procedure or any other matters specified by the rules, he shall do so in the presence of every party, or person representing a party, to the proceedings who appears thereat or, if the advice is tendered while the body are deliberating in private, that every such party or person as aforesaid shall be informed of the advice the assessor has tendered,

(b) that every such party or person as aforesaid shall be informed if in any case the body do not accept the advice of the assessor on such a question as aforesaid, and such incidental and supplementary provisions, as appear to the Lord Chancellor or, as the case may be, the Lord President of the Court of Session expedient.

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

(6) The General Nursing Council for England and Wales or, as the case may be, the General Nursing Council for Scotland may pay to an assessor appointed under this section remuneration at such rates as they may, with the consent of the Lord Chancellor or, as the case may be, the Lord President of the Court of Session, determine.

(7) The Statutory Instruments Act, 1946, shall apply to a statutory instrument containing rules made by the Lord President of the Court of Session under subsection (4) of this section in like manner as if he were a Minister of the Crown.

Surrender of certificates and badges on removal from register, roll or list.

11.—(1) A person whose name is removed from the register or the roll for disciplinary reasons shall, within a period of fourteen days beginning with the date on which written notice that his name has been so removed is received by him, deliver to the registrar of the General Nursing Council for England and Wales or, as the case may be, the General Nursing Council for Scotland, any certificate or badge which has been issued to him as a person registered or enrolled and which he has not delivered as aforesaid before that date.

(2) Any person who fails to comply with the requirements of the foregoing subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds.

(3) In England and Wales, the foregoing provisions of this section shall apply in relation to a person whose name is removed from the list for disciplinary reasons, and to any certificate issued to him as a person included in the list, as they apply in relation to a person whose name is removed from the register for disciplinary reasons, and to any certificate of registration issued to such a person.

Interpretation.

12.—(1) In this Act—

“ the Act of 1957 ” means the Nurses Act, 1957, and

“ the Act of 1951 ” means the Nurses (Scotland) Act, 1951.

(2) References in this Act to the removal of a person from the register, the roll or (in England and Wales) the list for disciplinary reasons are references to his removal therefrom on grounds which involve the commission by him of a criminal offence, or any misconduct on his part not constituting such an offence, or on the ground that the entry of his name thereon was procured by fraud.

(3) Any expression used in this Act and in the Act of 1957 shall, in the application of this Act to England and Wales, have the same meaning in this Act as in the Act of 1957; and any expression used in this Act and in the Act of 1951 shall, in the application of this Act to Scotland, have the same meaning in this Act as in the Act of 1951.

(4) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including, except where the context otherwise requires, this Act.

Extension of powers of Parliament of Northern Ireland.

13. Notwithstanding any limitation on the powers of the Parliament of Northern Ireland, that Parliament may in relation to any proceedings for the removal of a person from, or his restoration to, any register, roll or list maintained in relation to nurses pursuant to the Nurses and Midwives Act (Northern Ireland), 1959 (or any enactment amending or re-enacting that Act, with or without modifications), pass legislation for purposes corresponding to the purposes of section nine of this Act.

14.—(1) The Acts mentioned in the First Schedule to this Act shall have effect subject to the amendments there mentioned, which consist of—

Consequential
and minor
amendments,
and repeals.

(a) amendments consequential on section one of this Act, and

(b) amendments affecting the relevant date for the possession of certain qualifications for being elected and for voting at elections under the Act of 1957 and the Act of 1951.

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

15.—(1) This Act may be cited as the Nurses (Amendment) Act, 1961, and—

Short title,
citation, com-
mencement
and extent.

(a) this Act and the Act of 1957 may be cited together as the Nurses Acts, 1957 and 1961;

(b) this Act and the Act of 1951 may be cited together as the Nurses (Scotland) Acts, 1951 and 1961.

(2) This Act shall come into force on the expiration of a period of three months beginning with the day on which it is passed.

(3) This Act (except subsections (2) and (3) of section nine, and section thirteen) does not extend to Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Section 14.

CONSEQUENTIAL AND MINOR AMENDMENTS

PART I

AMENDMENTS CONSEQUENTIAL ON SECTION 1

The Nurses (Scotland) Act, 1951 (14 & 15 Geo. 6. c. 55)

1. In section four, for the words "Assistant Nurses Committee", in each place where those words occur, there shall be substituted the words "Enrolled Nurses Committee"; and, in subsection (2), for the word "assistant" there shall be substituted the word "enrolled".

2. In subsection (3) of section six, after the word "registered" there shall be inserted the words "or enrolled", and the words "or enrolled as assistant nurses" shall be omitted.

3. In section ten, for the words "Assistant Nurses Committee" there shall be substituted the words "Enrolled Nurses Committee".

4. In section fifteen, for the words "Assistant Nurses Committee" there shall be substituted the words "Enrolled Nurses Committee".

1ST SCH.

5. In the Second Schedule,—

- (a) for the words “ Assistant Nurses Committee ”, in each place where those words occur, there shall be substituted the words “ Enrolled Nurses Committee ”; and
- (b) for the word “ assistant ”, in the second place where that word occurs in head (b) of sub-paragraph (1) of paragraph 1 and where it occurs in head (c) of that sub-paragraph and in sub-paragraph (1) of paragraph 4, there shall be substituted the word “ enrolled ”.

*The Nurses Act, 1957
(5 & 6 Eliz. 2. c. 15)*

6. In paragraph (b) of subsection (1) of section two, after the word “ them ” there shall be inserted the words “ and by the name of the roll of nurses ”.

7. In paragraph (a) of subsection (2) of section three, after the word “ registered ” there shall be inserted the words “ or enrolled ”, and the words “ or enrolled as assistant nurses there ” shall be omitted.

8. In paragraph (b) of subsection (5) of section seven, for the words “ Assistant Nurses Committee ” there shall be substituted the words “ Enrolled Nurses Committee ”.

9. In section nineteen—

- (a) in subsection (1), for the words “ by that name ” there shall be substituted the words “ by the name of the Enrolled Nurses Committee ”;
- (b) in subsections (2) and (3), for the words “ Assistant Nurses Committee ”, in each place where those words occur, there shall be substituted the words “ Enrolled Nurses Committee ”; and
- (c) in subsection (3), for the word “ assistant ” there shall be substituted the word “ enrolled ”.

10. In subsection (1) of section thirty-three, for the definition of “ the roll ” there shall be substituted the following definition:—

“ ‘ the roll ’ means the roll of nurses maintained in pursuance of subsection (1) of section two of this Act, and ‘ enrolled ’ shall be construed accordingly ; ”

11. In the Fourth Schedule—

- (a) for the words “ Assistant Nurses Committee ”, in each place where those words occur, there shall be substituted the words “ Enrolled Nurses Committee ”; and
- (b) for the word “ assistant ” where that word first occurs in sub-paragraph (b) of paragraph 1 and where it occurs in sub-paragraph (1) of paragraph 4 there shall be substituted the word “ enrolled ”.

The Nurses Agencies Act, 1957

1ST SCH.

(5 & 6 Eliz. 2. c. 16)

12. In section eight, for the definition of "enrolled assistant nurse" there shall be substituted the following definition:—

“ ‘enrolled nurse’ means a person enrolled in the roll of nurses maintained in pursuance of subsection (1) of section two of the Nurses Act, 1957 ”.

PART II

AMENDMENTS AS TO QUALIFYING DATES AT ELECTIONS

The Nurses (Scotland) Act, 1951

(14 & 15 Geo. 6. c. 55)

13. In sub-paragraph (2) of paragraph 2 of the First Schedule, for the words "on the date of the election" there shall be substituted the words "on the date fixed for the purposes of the election as the last date for the receipt of nomination papers"; and in sub-paragraph (2) of paragraph 6 of that Schedule, for the words "if an election were to take place on the date on which he is appointed" there shall be substituted the words "if an election were to be held therefor and the date fixed for the purposes of the election as the last date for the receipt of nomination papers were the date on which he is appointed".

14. The words "on the prescribed date" shall be substituted for the words "on the date of the election" in head (b) of sub-paragraph (1) of paragraph 1 of the Second Schedule and in heads (b) and (c) of sub-paragraph (1) of paragraph 1 of the Third Schedule.

The Nurses Act, 1957

(5 & 6 Eliz. 2. c. 15)

15. In sub-paragraph (2) of paragraph 2 of the First Schedule, for the words "on the date of the election" there shall be substituted the words "on the date fixed for the purposes of the election as the last date for the receipt of nomination papers"; and in sub-paragraph (2) of paragraph 6 of that Schedule, for the words "if an election were to take place on the date on which he is appointed" there shall be substituted the words "if an election were to be held for that area and the date fixed for the purposes of the election as the last date for the receipt of nomination papers were the date on which he is appointed".

16. The words "on the prescribed date" shall be substituted for the words "on the date of the election" in heads (a), (b) and (c) of sub-paragraph (1) of paragraph 2 of the First Schedule, in head (b) of sub-paragraph (1) of paragraph 1 of the Third Schedule and in head (i) of sub-paragraph (b) of paragraph 1 of the Fourth Schedule.

Section 14.

SECOND SCHEDULE

ENACTMENTS REPEALED

| Session and Chapter | Short Title | Extent of Repeal |
|---------------------------|----------------------------------|--|
| 14 & 15 Geo. 6. c. 55. | The Nurses (Scotland) Act, 1951. | <p>In section three, in subsection (1), the word "assistant".</p> <p>In section six, in paragraph (c) of subsection (2), the word "assistant"; and, in subsection (3), the words "or enrolled as assistant nurses".</p> <p>In section seven, in subsection (2), the words "in the United Kingdom" in both places where those words occur.</p> <p>In section twelve, in subsection (2), the word "assistant".</p> <p>In section twenty-seven, in paragraph (b) of subsection (1), the word "assistant".</p> <p>In section thirty-four, in the definition of "the roll", the word "assistant".</p> <p>In section thirty-five, in subsection (5), the word "assistant" in the second place where that word occurs.</p> <p>In the Second Schedule, in head (b) of sub-paragraph (1) of paragraph 1, the word "assistant" in the first and the third place in which that word occurs.</p> |
| 5 & 6 Eliz. 2. c. 15. | The Nurses Act, 1957 | <p>In section three, in paragraph (a) of subsection (2), the words "or enrolled as assistant nurses there".</p> <p>In section four, in subsection (2), the words "in the United Kingdom" in both places where those words occur.</p> <p>In section twenty-eight, in subsection (1), the word "assistant".</p> <p>In the Third Schedule, paragraph 10.</p> <p>In the Fourth Schedule, in head (i) of sub-paragraph (b) of paragraph 1, the word "assistant"; and paragraph 10.</p> |
| 5 & 6 Eliz. 2. c. 16. | The Nurses Agencies Act, 1957. | <p>In section one, in paragraph (b) of subsection (1), the word "assistant".</p> |

Table of Statutes referred to in this Act

| Short Title | Session and Chapter |
|--|------------------------|
| Supreme Court of Judicature (Consolidation) Act, 1925 | 15 & 16 Geo. 5. c. 49. |
| Statutory Instruments Act, 1946 | 9 & 10 Geo. 6. c. 36. |
| Nurses (Scotland) Act, 1951 | 14 & 15 Geo. 6. c. 55. |
| Nurses Act, 1957 | 5 & 6 Eliz. 2. c. 15. |
| Nurses Agencies Act, 1957 | 5 & 6 Eliz. 2. c. 16. |

CHAPTER 15

Post Office Act, 1961

ARRANGEMENT OF SECTIONS

New financial Arrangements

Section

1. Establishment of new Post Office Fund.
2. Contributions by Postmaster General in lieu of taxes, &c.
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13. Initial assets and liabilities of the Fund, and adjustment of accounts in consequence of its establishment.
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18. Repeal of provisions limiting charges.
19. Payment of Postmaster General for work done on behalf of other government departments.
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21. Stamping of paper for use as postcards, envelopes, &c.
22. Payment of out-of-date postal orders.
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30. Short title, extent and commencement.

SCHEDULE—Consequential amendments of enactments.

An Act to reorganise the financial arrangements of the Post Office; to amend the Post Office Act, 1953, and the Stamp Duties Management Act, 1891; and for purposes connected with the matters aforesaid.

[28th March, 1961]

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

New financial Arrangements

Establishment
of new Post
Office Fund.

1.—(1) There shall be established a fund, to be called the Post Office Fund (hereafter in this Act referred to as the "Fund") which shall be under the management and control of the Postmaster General.

(2) Subject to the provisions of this section, all sums received by the Postmaster General shall, notwithstanding anything in any enactment, be paid by him into the Fund.

(3) Out of the Fund there shall be paid—

- (a) all sums paid by the Postmaster General in, or in connection with, the exercise of functions conferred on him by or under any enactment (including any enactment passed after the passing of this Act);
- (b) all sums paid by him in, or in connection with, the exercise of functions of his other than as aforesaid, being functions relating, directly or indirectly, to the following matters, namely,—
 - (i) postal matters,
 - (ii) the remitting of money,
 - (iii) telegraphs, telephones and (as defined by section nineteen of the Wireless Telegraphy Act, 1949) wireless telegraphy, and

- (iv) activities carried on by him as an agent (whether for a government department or for any other person whatsoever);
- (c) all sums paid by him in consequence of the carrying on by him of activities necessarily or properly carried on by him in connection with the exercise of such functions as are referred to in the foregoing paragraphs; and
- (d) such sums as, by the following provisions of this Act, are required to be paid by him.
- (4) There shall be excepted from the operation of subsections (2) and (3) of this section—
- (a) sums provided by Parliament by way of grants to, or in aid of, the British Broadcasting Corporation,
- (b) sums so provided for the making by the Postmaster General, under section eleven of the Television Act, 1954, of grants to the Independent Television Authority,
- (c) sums directed by the Treasury to be applied as appropriations in aid of sums provided as mentioned in the foregoing paragraphs or for other purposes related to broadcasting, and
- (d) sums provided by Parliament for the payment, under the Ministers of the Crown Act, 1937, of the salaries of the Postmaster General and the Assistant Postmaster General.
- (5) Subsection (3) of this section shall have effect in substitution for any enactment in so far as it provides or enables provision to be made for defraying out of moneys provided by Parliament expenses incurred by the Postmaster General, and any reference in any instrument having effect by virtue of any enactment to the making of payments by the Postmaster General out of moneys so provided shall be taken as a reference to the making of payments by him out of the Fund.

2.—(1) The Postmaster General shall pay such sums at such times as may be agreed between him and the Treasury to be requisite to secure that, year by year, he contributes to the Exchequers of the United Kingdom and Northern Ireland as nearly as may be what he would contribute thereto by way of taxes, duties, fees and other imposts (except stamp duty) but for the exemptions which by law are enjoyed by him from liability thereto and from liability to comply with enactments compliance with which would involve the payment of imposts (with the exception aforesaid).

Contributions
by Postmaster
General in
lieu of taxes,
&c.

(2) The Postmaster General shall pay such sums at such times as may be agreed between him and the Treasury to be requisite to secure that, year by year, there is contributed to the Exchequers of the United Kingdom and Northern Ireland as

nearly as may be what would be contributed thereto by way of stamp duty but for—

- (a) paragraph (9) of the list of exemptions set out, in the First Schedule to the Stamp Act, 1891, at the end of the heading “Bill of Exchange of any kind whatsoever (except a bank note) and Promissory Note of any kind whatsoever (except a bank note)”, in so far as that paragraph applies to a draft or order drawn by an officer of the Post Office ;
- (b) paragraph (3) of the list of exemptions set out, in the said First Schedule, at the end of the heading “Receipt”, in so far as that paragraph applies to a receipt given for or upon the payment of money to the Postmaster General, other than a receipt given by an officer of the Post Office acknowledging the receipt by the Postmaster General of a sum of money paid by way of Parliamentary taxes or duties or for the use of Her Majesty, being a sum no part of which is retained by him ;
- (c) section eighty-four of the Post Office Act, 1953 (which exempts from stamp duty every document made or executed for the purposes of the Post Office), except in so far as it applies to—
 - (i) a postal order within the meaning of that Act,
 - (ii) a draft or order drawn upon the Postmaster General by an officer of a public department other than the Post Office, and
 - (iii) a receipt acknowledging the receipt of the amount of a money order issued under that Act (whether or not indorsed or otherwise written on the order) or a receipt given by an officer of the Post Office acknowledging the receipt by the Postmaster General of a sum of money paid by way of Parliamentary taxes or duties or for the use of Her Majesty, being a sum no part of which is retained by him.

(3) Payments under this section shall, except in so far as it may be agreed between the Postmaster General and the Treasury that they shall be made to another government department or some other authority or person, be made into the Exchequer of the United Kingdom.

(4) For the purposes of subsection (2) of section twenty-two of the Government of Ireland Act, 1920 (annual determination by Joint Exchequer Board of what part of the proceeds of reserved taxes is properly attributable to Northern Ireland), sums paid under this section (except sums which, by virtue of the last foregoing subsection, have been paid in Northern Ireland) shall be treated as being proceeds of the duties and taxes referred to in subsection (1) of that section.

3.—(1) Broadcast receiving licence revenue shall be treated as being collected by the Postmaster General for the benefit of the Exchequer of the United Kingdom, and accordingly he shall from time to time pay into that Exchequer the sums received by him by way of such revenue. Provisions as to broadcasting revenue and expenditure.

(2) There shall be paid into the Fund such sums as may from time to time be provided by Parliament for paying the Postmaster General for discharging his functions under the Wireless Telegraphy Act, 1949, and the Television Act, 1954, in so far as broadcasting is concerned or otherwise in relation to broadcasting.

(3) In this section “broadcast receiving licence revenue” means—

- (a) revenue received by the Postmaster General by way of sums paid to him in respect of the issue, under section one of the Wireless Telegraphy Act, 1949, of licences of a type which are designed primarily to authorise the reception of broadcast programmes ; and
- (b) such proportion (if any) of the revenue received by him by way of sums paid to him in respect of the issue as aforesaid of licences of a type which, though authorising the reception of broadcast programmes, are primarily designed for a purpose other than such reception (not being licences authorising the relaying of broadcast programmes by wire) as may be agreed between the Postmaster General and the Treasury to be proper to be treated for the purposes of this section as broadcast receiving licence revenue.

Any reference in this subsection to the issue of a licence under the said section one shall be construed as including a reference to the renewal of a licence so issued, and any reference therein to revenue received by the Postmaster General in respect of the issue of licences of any type shall be construed as references to revenue so received after deducting the amount of any refunds thereof made by him with the consent of the Treasury.

4. The Postmaster General shall from time to time pay into the Exchequer of the United Kingdom the sums received by him under section seventy-three of the Post Office Act, 1953 (which enables him to accept fines incurred or alleged to be incurred without legal proceedings’ being taken for the recovery thereof and to compromise and compound legal proceedings for the recovery of such fines) both as originally enacted and as applied by subsection (5) of section fourteen of the Wireless Telegraphy Act, 1949, and the sums received by him under section thirty-five of the Inland Revenue Regulation Act, 1890 (which, as amended by the Inland Revenue and Post Office (Powers and Duties) Order, 1914, made under section twenty Surrender of sums received by Postmaster General in lieu of fines.

of the Finance Act, 1911, enables him to compound legal proceedings for the recovery of fines and penalties in respect of certain offences relating to stamps).

Annual resolution of House of Commons for payments out of the Fund.

5. Notwithstanding anything in this Act the Postmaster General shall not, in any financial year subsequent to that beginning at the commencement of this Act, pay any sum out of the Fund unless before the beginning of that year the Commons House of Parliament have resolved that he be authorised to make in that year payments out of the Fund.

General duty of Postmaster General as to finance.

6. It shall be the duty of the Postmaster General so to conduct the business of the Post Office as to secure that its revenue is not less than sufficient, taking one year with another, to meet its outgoings which are properly chargeable to revenue account (including proper allocations to the general reserve established under the next following section).

General reserve.

7.—(1) The Postmaster General shall establish and maintain a general reserve.

(2) The sums to be carried from time to time to, and the application of, the general reserve shall be such as the Postmaster General may determine.

Power of Postmaster General to borrow temporarily.

8.—(1) The Postmaster General may borrow temporarily from the Bank of England (and that Bank are hereby authorised to lend to him) such sums as he may require for meeting his obligations or performing his functions; but the aggregate of the amounts outstanding by way of principal in respect of borrowings under this section shall not at any time exceed the sum of thirty million pounds.

(2) The Treasury may guarantee, in such manner and on such conditions as they think fit, the repayment of the principal of, and the payment of interest on, any loan made to the Postmaster General under this section, and—

(a) any sums required for fulfilling a guarantee given under this subsection shall be charged on and issued out of the Consolidated Fund of the United Kingdom (hereafter in this Act referred to as the “Consolidated Fund”), and any sums received by way of the repayment of, or the payment of interest on, any sums issued as aforesaid under this paragraph shall be paid into the Exchequer of the United Kingdom;

(b) the Treasury shall, immediately after a guarantee or sum is given or issued under this subsection, lay before both Houses of Parliament a statement (as the case may be) of the guarantee or that that sum has been so issued.

(3) Section two of the Bank of England Act, 1819 (applications to the Bank of England for advances to the Crown to be made in writing by the First Lord of the Treasury or the

Chancellor of the Exchequer and copies thereof to be laid before Parliament) shall not apply to applications for loans under this section.

9.—(1) The Treasury may make to the Postmaster General Exchequer out of the Consolidated Fund advances for either or both of the advances. following purposes, namely,—

- (a) the provision of money for meeting any expenditure incurred by him which is properly chargeable to capital account ;
- (b) the provision of any working capital required by him.

(2) Any advances made by the Treasury under this section shall be paid off by the Postmaster General at such times and by such methods, and interest thereon shall be paid by him at such rates and at such times, as the Treasury may direct.

(3) For the purpose of providing sums for the making of advances under this section, or of providing for the replacement of sums advanced thereunder, 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 under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(4) Any sums received by the Treasury under subsection (2) of this section shall be paid into the Exchequer of the United Kingdom and shall be issued out of the Consolidated Fund at such times as they may direct, and shall be applied by them 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 they 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.

10.—(1) The Postmaster General shall not borrow any money Limitation of indebtedness. except in accordance with the two last foregoing sections.

(2) The aggregate of—

- (a) the amounts outstanding by way of principal in respect of advances under the last foregoing section ; and
- (b) so much as is outstanding of the amount required by subsection (2) of section thirteen of this Act to be paid off as therein mentioned ;

shall not at any time exceed eight hundred and eighty million pounds or such greater sum, not exceeding nine hundred and sixty million pounds, as may be determined by resolution of the Commons House of Parliament.

Investment powers.

11. Any sums in the hands of the Postmaster General which are not immediately required by him for the purposes of the business of the Post Office may be invested by him in Ways and Means advances to the Exchequer of the United Kingdom, Treasury bills, bills of the Government of Northern Ireland, securities of the Government of the United Kingdom or of the Government of Northern Ireland redeemable (otherwise than at the option of the Treasury or, as the case may be, the Ministry of Finance for Northern Ireland) in less than five years from the date of investment, or in such other manner as he may, with the approval of the Treasury, determine.

Accounts and reports.

12.—(1) The Postmaster General shall keep proper accounts and proper records in relation to the accounts and shall prepare in respect of each financial year a statement of accounts in such form as he may, with the approval of the Treasury, determine, being a form which shall conform to the best commercial standards.

(2) The statement of accounts prepared in pursuance of the foregoing subsection in respect of each financial year shall, before the end of September next following the end of that year, be transmitted to the Comptroller and Auditor General who shall examine it on behalf of Parliament, certify and report on it and return it, together with a copy of the report, to the Postmaster General before the end of November next following.

(3) The Postmaster General shall prepare a report of the business of the Post Office conducted during each financial year and shall, before the end of December next following the end of that year, lay before Parliament copies of the report having attached thereto copies of the statement of accounts prepared, in pursuance of subsection (1) of this section, in respect of that year and of the Comptroller and Auditor General's report thereon.

Provisions consequential on, or supplementary to, the foregoing Sections

Initial assets and liabilities of the Fund, and adjustment of accounts in consequence of its establishment.

13.—(1) The several amounts which, in the accounts which in pursuance of section five of the Exchequer and Audit Departments Act, 1921, are prepared in relation to the Post Office in respect of the financial year ending immediately before the commencement of this Act, are shown as assets and liabilities of the Post Office shall be treated as representing respectively the initial assets and the initial liabilities of the Fund.

(2) That one of the amounts aforesaid which is shown as representing liabilities of the Post Office on capital account to the Exchequer of the United Kingdom shall be paid off by the making by the Postmaster General into that Exchequer of payments of such amounts at such times as may be directed by the Treasury; and he shall also make, by way of interest on so

much of the said amount as remains for the time being outstanding, payments into that Exchequer of such amounts at such times as may be so directed.

(3) Any amount shown in the said accounts as representing a liability of the Post Office on current account to the Exchequer of the United Kingdom shall be paid off by the making by the Postmaster General into that Exchequer of payments of such amounts at such times as may be agreed between the Postmaster General and the Treasury; and he shall also make, by way of interest on so much of that amount as remains for the time being outstanding, payments into that Exchequer of such amounts at such times as may be directed by the Treasury.

(4) Any amount shown in the said accounts as representing an asset of the Post Office consisting in a liability thereto of the Exchequer of the United Kingdom on current account shall be paid off by the making of payments out of the Consolidated Fund to the Postmaster General of such amounts at such times as may be agreed between the Postmaster General and the Treasury; and there shall also be made, by way of interest on so much of that amount as remains for the time being outstanding, payments out of the Consolidated Fund to the Postmaster General of such amounts as may be so agreed.

(5) Sums paid into the Exchequer of the United Kingdom under subsection (2) of this section shall be issued out of the Consolidated Fund, and applied by the Treasury, in like manner as, by subsection (4) of section nine of this Act, sums paid into that Exchequer thereunder are required to be so issued and applied.

14.—(1) The terminable annuities which, in consequence of the passing of the money enactments, are outstanding at the commencement of this Act in favour of the National Debt Commissioners shall be paid in whole out of the Consolidated Fund instead of (as provided by those enactments) out of moneys provided by Parliament for the service of the Post Office or (but to the extent only to which those moneys are insufficient) out of the Consolidated Fund; and any liability under those enactments to repay sums to the Exchequer of the United Kingdom out of moneys provided by Parliament for the service of the Post Office or to pay interest to that Exchequer out of such moneys is hereby determined.

Winding up of existing system of raising money for Post Office purposes.

(2) Accordingly, the said enactments shall cease to have effect; but any sums paid to the Exchequer of the United Kingdom before the commencement of this Act by way of repayment of money borrowed as aforesaid or payment of interest on money so borrowed, being sums which before that commencement have not been dealt with in manner provided by the said enactments, shall, notwithstanding the cesser of the said enactments, be so dealt with.

(3) For the purpose of providing so much of any sums required by subsection (1) of this section to be paid out of the Consolidated Fund as represents principal, or of providing for the replacement of so much of any sums paid thereout in pursuance of that subsection as represents principal, the Treasury may at any time 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 under this subsection shall be deemed for all purposes to have been created and issued under that Act.

(4) References in this section to the money enactments are references to the Acts passed during the years nineteen hundred and thirty-five to nineteen hundred and fifty-nine inclusive the short title of each of which consists of the words "The Post Office and Telegraph (Money) Act" followed by the year in which it was passed and to section five of the Commonwealth Telegraphs Act, 1949.

Preservation
of pension
rights.

15.—(1) For the purpose of securing that eligibility for the payment out of moneys provided by Parliament of a pension, gratuity, allowance or other like benefit to any person in respect of service of his, or that of another's, in the civil service of the State is not prejudiced by reason of the fact that, in consequence of this Act, his or the other's salary or remuneration has at any time been paid out of the Fund instead of out of moneys so provided, references in the following provisions of the Superannuation Acts, 1834 to 1960, to moneys so provided, namely,—

- (a) section seventeen of the Superannuation Act, 1859 ;
- (b) section four of the Superannuation Act, 1892 ;
- (c) subsection (4) of section three of the Superannuation Act, 1935 ;
- (d) subsection (1) of section nine of the Superannuation Act, 1946 ;
- (e) the definition of "service to the State in an unestablished capacity" in subsection (1) of section seventeen of the Superannuation (Miscellaneous Provisions) Act, 1948 ; and
- (f) subsection (1) of section forty of the Superannuation Act, 1949, and the definition of "employment in an unestablished capacity" in subsection (1) of section sixty-three of that Act ;

shall be construed as including references to the Fund ; and the reference, in section two of the Pensions Commutation Act, 1871, to moneys so provided for supply services shall be similarly construed.

(2) There shall be paid into the Fund such sums as may from time to time be provided by Parliament to enable the Postmaster General to make any payments falling to be made by

him by virtue of sub-paragraphs (v) and (vi) of paragraph (d) of subsection (2) of section six of the Commonwealth Telegraphs Act, 1949 (supplementation of pensions payable to or in respect of persons who were employees of certain telegraph companies, and payments to or in respect of such persons who had only expectations of the accruer of pensions).

(3) The Postmaster General shall from time to time pay into the Exchequer of the United Kingdom sums, of such amounts as may be agreed between him and the Treasury, in respect of liabilities accruing to that Exchequer in respect of the payment of pensions, gratuities, allowances and other like benefits, in so far as those liabilities are referable to the service of persons in the Post Office.

16.—(1) Anything which, under the Post Office Act, 1953, may be done by warrant of the Treasury shall be done instead by regulations made by the Postmaster General by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

Parliamentary control of regulations under Post Office Act, 1953, and abolition of Treasury control of Post Office business.

(2) The consent, concurrence or authority of the Treasury shall cease to be requisite to the exercise or discharge by the Postmaster General of any power or duty conferred or imposed on him by or by virtue of any of the following enactments, namely,—

section seven of the Telegraph Act, 1869 (power of Postmaster General to purchase undertakings of telegraph companies);

section two of the Telegraph Act, 1885 (power of Postmaster General to regulate conduct of telegraphic business and fix charges for transmission of telegrams);

paragraph 3 of the First Schedule to the Wireless Telegraphy Act, 1949 (payment, to extent determined by Postmaster General, of expenses incurred by committees advising on suspensions or revocations of authorities to wireless personnel);

section one of the Telephone Act, 1951 (power of Postmaster General to regulate use of telephone system and fix charges in connection with its use);

sections three, five, twenty, twenty-one, forty-seven and forty-eight of, and paragraph 5 of the First Schedule to, the Post Office Act, 1953 (Postmaster General's privilege of conveying letters; postal charges; money orders; postal orders; acquisition of land; disposal of land; procedure for acquiring land).

(3) The powers and duties of the Treasury under paragraphs 6 and 7 of the First Schedule to the Post Office Act, 1953, are hereby transferred to him.

(4) The consent of the Treasury shall not be requisite to the making, under subsection (1) of section two of the Wireless Telegraphy Act, 1949, of regulations prescribing, or authorising the charging of, the sums to be paid to the Postmaster General on the issue or renewal of a licence under section one of that Act, other than a licence of a type falling within paragraph (a) or (b) of subsection (3) of section three of this Act, or at any prescribed time thereafter, or of regulations prescribing under the said subsection (1) a time, after the issue or renewal of such a licence, at which a sum is to be paid to him in respect thereof.

(5) The approval of the Treasury shall not be requisite to the making by the Postmaster General of—

- (a) an agreement under subsection (3) of section forty-six of the Patents Act, 1949, as originally enacted or as applied by any subsequent enactment, whether passed before or after the commencement of this Act (which subsection relates to the terms upon which patented inventions may be used for the services of the Crown by government departments and persons authorised thereby); or
- (b) an agreement under sub-paragraph (3) of paragraph 1 of the First Schedule to the Registered Designs Act, 1949, as originally enacted or as applied by any subsequent enactment, whether passed before or after the commencement of this Act (which sub-paragraph relates to the terms upon which registered designs may be so used).

Parliamentary control of regulations under Juries Act, 1862, and Telegraph Act, 1885.

17. A statutory instrument made after the commencement of this Act containing regulations under section eleven of the Juries Act, 1862, fixing the fee to be paid for the registration under that section of a jury summons to be sent by post or regulations under section two of the Telegraph Act, 1885, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Repeal of provisions limiting charges.

18. The following enactments shall cease to have effect to the following extent, that is to say,—

- (a) section eleven of the Juries Act, 1862, in so far as it fixes twopence as the maximum amount of the fee for the registration under that section of a jury summons to be sent by post;
- (b) subsection (2) of section five of the Post Office Act, 1953, in so far as it provides that the inland letter rate shall not be less than one penny;

- (c) subsection (2) of section twelve of the said Act of 1953, in so far as it fixes five shillings as the maximum amount of the fee payable in respect of the registration of a publication in the register of newspapers kept at the General Post Office in London ;
- (d) section twenty-one of the said Act of 1953, in so far as it fixes threepence as the maximum amount of the poundage payable in respect of a postal order for an amount not exceeding twenty-one shillings ;
- (e) subsection (1) of section one of the Telegraph Act, 1954, in so far as it imposes a maximum rate of charge for an ordinary inland written telegram ; and
- (f) subsection (3) of section one of the said Act of 1954 (which imposes a maximum rate of charge for certain press telegrams), as to the whole thereof.

19.—(1) The Treasury shall from time to time pay out of the Consolidated Fund to the Postmaster General sums, of such amounts as may be agreed between them, for the performance by him of the functions conferred on him under the National Debt Act, 1958.

Payment of Postmaster General for work done on behalf of other government departments.

(2) The Minister of Pensions and National Insurance shall, out of moneys provided by Parliament, from time to time pay the Postmaster General sums, of such amounts as may be agreed between them, for work done by the Postmaster General in the execution of—

- (a) the Family Allowances Acts, 1945 to 1959 ;
- (b) the National Insurance Acts, 1946 to 1959 ;
- (c) the National Insurance (Industrial Injuries) Acts, 1946 to 1959 ;
- (d) the Workmen's Compensation (Supplementation) Act, 1951 ;
- (e) the Industrial Diseases (Benefit) Acts, 1951 and 1954 ; and
- (f) the Workmen's Compensation and Benefit (Supplementation) Act, 1956.

(3) The National Assistance Board shall, out of moneys provided by Parliament, from time to time pay the Postmaster General sums, of such amounts as may be agreed between them, for work done by the Postmaster General in the execution of the Old Age Pensions Act, 1936, and Part II of the National Assistance Act, 1948.

(4) The Minister of Transport shall, out of moneys provided by Parliament, from time to time pay the Postmaster General sums, of such amounts as may be agreed between them, for work done by the Postmaster General in the execution of the Vehicles (Excise) Act, 1949.

(5) The Minister of Housing and Local Government shall, out of moneys provided by Parliament, from time to time pay the Postmaster General sums, of such amounts as may be agreed between them, for work done by the Postmaster General in connection with the issue, in England and Wales, of licences under the Dog Licences Act, 1959, and of licences to deal in game, for killing game and for guns.

(6) The National Debt Commissioners shall from time to time pay the Postmaster General, for work done by him in the execution of the Post Office Savings Bank Act, 1954, sums of such amounts as he and the Treasury may agree; and any payment made by the said Commissioners in pursuance of this subsection shall be defrayed out of money deposited under that Act.

(7) The National Debt Commissioners shall from time to time pay the Postmaster General, for work done by him in the execution of Part II of the Government Annuities Act, 1929, sums of such amounts as he and the Treasury may agree; and any payment made by the said Commissioners in pursuance of this subsection shall be defrayed as part of the expenses of the grant of annuities and insurances under that Act.

Abolition of existing Post Office Fund.

20. The Fund which, in pursuance of section thirty-nine of the Finance Act, 1933, was established by the name of the Post Office Fund, and of which the operation ceased by virtue of section sixty-three of the Finance Act, 1940, is hereby abolished.

Miscellaneous Amendments of Law

Stamping of paper for use as postcards, envelopes, &c.

21. For subsection (2) of section six of the Post Office Act, 1953 (which provides for the stamping, by the Postmaster General or the Commissioners of Inland Revenue under rules made by or with the sanction of the Treasury, with stamps denoting the appropriate postage, of paper to be used as covers or envelopes of postal packets, subject to payment of the amount of the stamps required to be impressed and, except where that amount exceeds ten pounds, of such further fee as the Treasury may direct), there shall be substituted the following subsection:—

“(2) The Postmaster General may, in accordance with rules made by him, stamp any paper sent to him for the purpose of being stamped for use as postcards or reply-postcards or covers or envelopes of postal packets with stamps denoting the appropriate postage, on payment of the amount of the stamps required to be impressed and of such fee for the stamping as may be prescribed”.

22. Subsection (1) of section twenty-one of the Post Office Act, 1953, shall have effect as if, in lieu of the requirement imposed by paragraph (b) of the proviso thereto that in the circumstances therein mentioned a postal order be not paid except after payment of commission equal to the amount of the original poundage, it conferred power on the Postmaster General in those circumstances to refuse payment except on payment of commission of such amount as may be fixed by regulations made by him under that Act. Payment of out-of-date postal orders.

23.—(1) Every instrument or document purporting to be executed or signed by or on behalf of the Postmaster General shall be deemed to be so executed or signed unless the contrary is shown. Proof of documents.

(2) A certificate signed by the Postmaster General that any instrument or document purporting to be executed or signed on his behalf was so executed or signed shall be conclusive evidence of that fact.

(3) Without prejudice to the foregoing provisions of this section, the Documentary Evidence Act, 1868, shall apply to any document issued by the Postmaster General as it applies to the documents mentioned in that Act and shall, as so applied, have effect as if the Postmaster General were included in the first column of the Schedule to that Act and any person authorised by him to act on his behalf were specified in the second column of that Schedule in connection with him.

24.—(1) Section seventy-four of the Post Office Act, 1953 (which provides for the payment of fines in respect of offences against that Act into the Exchequer of the United Kingdom unless applied as appropriations in aid under section two of the Public Accounts and Charges Act, 1891) is hereby repealed. Destination of fines under Post Office Act, 1953.

(2) Any sums paid to the Secretary of State in pursuance of section twenty-seven of the Justices of the Peace Act, 1949, in respect of fines imposed in respect of offences against the Post Office Act, 1953, shall be deemed to be Exchequer moneys within the meaning of that section.

25.—(1) It shall not be necessary for a person licensed under section three of the Stamp Duties Management Act, 1891, to deal in stamps to give security, and any security given under subsection (3) of that section which is in force at the commencement of this Act is hereby released; and accordingly that subsection and, in subsection (4) of the said section three, the words "and one bond" shall cease to have effect. Amendment of Stamp Duties Management Act, 1891.

(2) Subsection (5) of the said section three (person licensed to deal in stamps to cause his full name together with the words "Licensed to sell stamps" to be painted on some conspicuous place on the outside of the front of the place at which he is so licensed) is hereby repealed.

(3) Section eight of the said Act (allowance, upon the sale of stamps, of such discount as the Treasury may direct) shall, in relation to stamps used to denote either duties of postage only or duties of postage and other duties, have effect with the substitution, for the reference to the Treasury, of a reference to the Postmaster General.

Supplementary

Interpretation. 26.—(1) In this Act "financial year" means the twelve months ending with the thirty-first day of March.

(2) References in this Act to any enactment shall be construed as referring to that enactment as amended by or under any subsequent enactment including, except where the context otherwise requires, this Act.

Provisions as to Northern Ireland.

27.—(1) In calculating, for the purposes of section twenty-four of the Government of Ireland Act, 1920 (Northern Ireland residuary share of reserved taxes), the net cost during any year of any reserved services no regard shall be had to any payments made under section thirteen or fifteen of this Act or any payments made by way of pensions, gratuities, allowances or other like benefits out of moneys provided by Parliament for the service of the Post Office.

(2) Any reference in this Act to a government department shall be construed as including a reference to a department of the government of Northern Ireland and any reference in this Act to a public department shall be construed as including a reference to a public department of that government.

(3) Any reference in this Act to the Stamp Act, 1891, shall be construed as including a reference to that Act as it applies to stamp duties chargeable in Northern Ireland, and any reference to Parliamentary taxes or duties shall be construed as including a reference to taxes or duties of the Parliament of Northern Ireland.

(4) In so far as section twenty-five of this Act relates to matters with respect to which the Parliament of Northern Ireland has power to make laws it shall be deemed, for the purposes of section six of the Government of Ireland Act, 1920, to have been passed before the day appointed for the purposes of that section.

28.—(1) The enactments specified in the Schedule to this Act shall have effect subject to the consequential amendments set out in that Schedule. **Consequential amendments.**

(2) Any reference in any enactment (other than one mentioned in the Schedule to this Act) which is, or is to be construed as, a reference to Post Office regulations under the Post Office Act, 1953, shall be construed as referring to regulations made under the section substituted by this Act for section eighty-one of that Act.

29.—(1) Any regulation contained in a warrant of the Treasury under section five or seven of the Post Office Act, 1953, or section eighty-one thereof (as originally enacted), or under the corresponding provisions of the enactments repealed by that Act, shall, in so far as it is in force immediately before the commencement of this Act and could be made by the Postmaster General under the section substituted by this Act for the said section eighty-one, have effect as if it had been made by him under the section so substituted. **Savings.**

(2) Any sum which, if this Act had not passed, would by virtue of subsection (3) of section twenty-two of the Post Office Savings Bank Act, 1954, have fallen to be deducted from the amount of the expenses incurred in the execution of that Act shall be paid by the Postmaster General to the National Debt Commissioners and treated for the purposes of that Act as if it were money deposited thereunder which had been paid over to them under subsection (2) of section sixteen thereof.

(3) Nothing in this Act shall be construed as operating to cause a contractual obligation to arise between the Postmaster General and another person in any case in which, apart from this Act, it would not have arisen.

30.—(1) This Act may be cited as the Post Office Act, 1961. **Short title, extent and commencement**

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

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

SCHEDULE

Section 28.

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

| Amendments | Provision of this Act on which amendment is consequential |
|---|--|
| <p><i>The Consolidated Fund Act, 1816 (56 Geo. 3. c. 98).</i> The revenue and expenditure of the Post Office shall not be included in any annual accounts of the total income and public expenditure of the United Kingdom prepared and made out under section twenty-two for the financial year beginning at the commencement of this Act or any subsequent financial year; but for the purposes of the foregoing provision sums payable under section three or four of this Act shall be treated as not being such revenue.</p> | Section twelve. |
| <p><i>The Juries Act, 1862 (25 & 26 Vict. c. 107).</i> In section eleven, the words “(which fee shall in no case exceed twopence over and above the ordinary rate of postage)” shall be repealed.</p> | Section eighteen. |
| <p><i>The Exchequer and Audit Departments Act, 1866 (29 & 30 Vict. c. 39).</i> In section ten, for the words “the Commissioners of Inland Revenue and the Postmaster General” there shall be substituted the words “and the Commissioners of Inland Revenue”. Section twenty-three shall not apply to accounts kept in pursuance of section twelve of this Act.</p> | Section one. Section twelve. |
| <p><i>The Telegraph Act, 1869 (32 & 33 Vict. c. 73).</i> In section seven, the words “with the consent of the Treasury” shall be repealed. Section nineteen shall be repealed</p> | Section sixteen. Section one. |
| <p><i>The Telegraph Act, 1885 (48 & 49 Vict. c. 58).</i> In section two, the words “with the consent of the Treasury” shall be repealed, and the words from “Section twenty-three of the Telegraph Act, 1868” onwards shall be repealed except in relation to regulations made before the commencement of this Act.</p> | Sections sixteen and seventeen. |
| <p><i>The Exchequer and Audit Departments Act, 1921 (11 & 12 Geo. 5. c. 52).</i> In section two, in subsection (1), for the words “Inland Revenue, and Post Office” there shall be substituted the words “and Inland Revenue”. Section three shall not apply to Post Office accounts. Section four shall not, in the case of the Post Office, have effect as respects any period after the commencement of this Act. Section five shall not, in the case of the Post Office, have effect in respect of the financial year beginning at the commencement of this Act or any subsequent financial year.</p> | Section twelve. Section twelve. Section twelve. Section twelve. |

| Amendments | Provision of this Act on which amendment is consequential |
|--|---|
| <p><i>The Post Office (Pneumatic Tubes Acquisition) Act, 1922 (12 & 13 Geo. 5. c. 43).</i> Section three shall be repealed</p> | Section one. |
| <p><i>The Government Annuities Act, 1929 (19 & 20 Geo. 5. c. 29).</i> In section fifty-four, in subsection (4), after the words "by any savings bank" there shall be inserted the words "(other than a post office savings bank)".</p> | Section nineteen. |
| <p><i>The Finance Act, 1933 (23 & 24 Geo. 5. c. 19).</i> Sections thirty-eight and thirty-nine shall be repealed.</p> | Section twenty. |
| <p><i>The Finance Act, 1936 (26 Geo. 5 & 1 Edw. 8. c. 34).</i> Section thirty-one shall be repealed</p> | Section twenty. |
| <p><i>The Finance Act, 1937 (1 Edw. 8 & 1 Geo. 6. c. 54).</i> Section thirty-two shall be repealed</p> | Section twenty. |
| <p><i>The Imperial Telegraphs Act, 1938 (1 & 2 Geo. 6. c. 57).</i> Section two shall be repealed</p> | Section twenty. |
| <p><i>The Post Office and Telegraph Act, 1940 (3 & 4 Geo. 6. c. 25).</i> In section four, the words from "and any special rate" onwards shall be repealed.</p> | Section eighteen. |
| <p><i>The Finance Act, 1940 (3 & 4 Geo. 6. c. 29).</i> Section sixty-three shall be repealed</p> | Section twenty. |
| <p><i>The Family Allowances Act, 1945 (8 & 9 Geo. 6. c. 41).</i> In section twenty, the reference to expenses incurred in the administration of the Act shall be construed as not including any expenses incurred by the Postmaster General.</p> | Sections one and nineteen. |
| <p><i>The Bank of England Act, 1946 (9 & 10 Geo. 6. c. 27).</i> In the Second Schedule, in paragraph 4, the reference to moneys provided by Parliament shall be construed as including a reference to the Fund.</p> | Section one. |
| <p><i>The National Insurance (Industrial Injuries) Act, 1946 (9 & 10 Geo. 6. c. 62).</i> In section sixty, the references in subsections (1) and (2) to expenses incurred by any government department other than the Minister of Pensions and National Insurance shall be construed as not including any expenses incurred by the Postmaster General.</p> | Sections one and nineteen. |

| Amendments | Provision of this Act on which amendment is consequential |
|--|---|
| <p><i>The National Insurance Act, 1946 (9 & 10 Geo. 6. c. 67).</i></p> <p>In section thirty-eight, the references in subsections (1) and (2) to expenses incurred by any government department other than the Minister of Pensions and National Insurance shall be construed as not including any expenses incurred by the Postmaster General.</p> | <p>Sections one and nineteen.</p> |
| <p><i>The Crown Proceedings Act, 1947 (10 & 11 Geo. 6. c. 44).</i></p> <p>In section nine, in subsection (2), in paragraph (c) of the proviso, for the words "the Post Office regulations" there shall be substituted the words "regulations made under section eighty-one of the Post Office Act, 1953", and in paragraph (d) of the proviso, for the words "by Post Office regulations" there shall be substituted the words "by virtue of subsection (5) of this section"; in subsection (5), for the words "Post Office regulations may be made" there shall be substituted the words "Regulations may be made under section eighty-one of the Post Office Act, 1953,"; and, in subsection (7), the definition of "Post Office Regulations" shall be repealed.</p> | <p>Section sixteen.</p> |
| <p><i>The National Assistance Act, 1948 (11 & 12 Geo. 6. c. 29).</i></p> <p>At the end of paragraph (e) of subsection (1) of section sixty-one there shall be added the words "other than the Postmaster General".</p> | <p>Sections one and nineteen.</p> |
| <p><i>The Commonwealth Telegraphs Act, 1949 (12, 13 & 14 Geo. 6. c. 39).</i></p> <p>Section three shall be repealed</p> <p>In section six, in subsection (2), in paragraphs (c) and (d), the words "out of moneys provided by Parliament" (wherever occurring) shall be repealed.</p> | <p>Section one. Section one.</p> |
| <p>In section seven, in subsection (1), the words "out of moneys provided by Parliament" shall be repealed.</p> | <p>Section one.</p> |
| <p>In section nine, subsection (2) shall be repealed</p> | <p>Section one.</p> |
| <p><i>The Wireless Telegraphy Act, 1949 (12, 13 & 14 Geo. 6. c. 54).</i></p> <p>In section nine, in subsection (7), for the words "paid out of moneys provided by Parliament" there shall be substituted the words "paid by the Postmaster General".</p> | <p>Section one.</p> |
| <p>In section seventeen, in subsection (1), the words from the beginning to "this Act, and" shall be repealed.</p> | <p>Section one.</p> |
| <p>In the First Schedule, in paragraph 3, the words "with the consent of the Treasury" shall be repealed, and for the words "paid out of moneys provided by Parliament" there shall be substituted the words "paid by the Postmaster General".</p> | <p>Sections one and sixteen.</p> |

| Amendments | Provision of this Act on which amendment is consequential |
|---|---|
| <p><i>The Vehicles (Excise) Act, 1949 (12, 13 & 14 Geo. 6. c. 89).</i> In paragraph (c) of subsection (1) of section twenty-four, after the words "any government department" there shall be inserted the words "(other than the Postmaster General)".</p> | Sections one and nineteen. |
| <p><i>The Telephone Act, 1951 (14 & 15 Geo. 6. c. 52).</i> In section one, in subsection (1), the words "with the consent of the Treasury" shall be repealed.</p> | Section sixteen. |
| <p><i>The Post Office Act, 1953 (1 & 2 Eliz. 2. c. 36).</i> In section three, in subsection (1), the words "and to the concurrence of the Treasury" shall be repealed. In section five, in subsection (1), for the words "as the Treasury may by warrant provide", there shall be substituted the words "as may be prescribed", and, in subsection (2), for the words "A warrant under this section", there shall be substituted the word "Regulations", and the words "with or without the consent of the Treasury" and the words "Provided that the inland letter rate shall not be less than one penny" shall be repealed.</p> | Section sixteen. Sections sixteen and eighteen. |
| <p>In section six, in subsection (1), the words "Post Office", where first occurring, shall be repealed.</p> | Section sixteen. |
| <p>In section seven, in subsection (1), in paragraph (i) of the proviso, for the words "as the Treasury may by warrant prescribe", there shall be substituted the words "as may be prescribed", and, in paragraph (ii) of the proviso, for the words "the Treasury may by warrant provide", there shall be substituted the words "regulations may provide" and the words "in the warrant" and "so" shall be repealed, and, in subsection (2), the words "Post Office" shall be repealed.</p> | Section sixteen. |
| <p>In section eight, in subsection (1), the words "Post Office" shall be repealed, and, in subsection (3), the words "warrant or" and the words "Post Office" shall be repealed.</p> | Section sixteen. |
| <p>In section nine, the words "warrant or" shall be repealed.</p> | Section sixteen. |
| <p>In section ten, in subsection (1), for the words "as may be contained in Post Office regulations", there shall be substituted the words "as may be prescribed", and in subsection (4), for the words "purporting to be signed by the Postmaster General or on his behalf by an officer of the Post Office duly authorised by or under section eighty-three of this Act", there shall be substituted the words "signed by or on behalf of the Postmaster General".</p> | Sections sixteen and twenty-three. |

| Amendments | Provision of this Act on which amendment is consequential |
|---|---|
| <i>The Post Office Act, 1953 (1 & 2 Eliz. 2. c. 36)</i> — contd. | |
| In section eleven, in subsection (3), for the words " Post Office regulations may be made ", there shall be substituted the words " Provision may be made by regulations ", and in subsection (4), for the words " made thereunder ", there shall be substituted the words " having effect by virtue thereof ". | Section sixteen. |
| In section twelve, in subsection (2), for the words " such fee not exceeding five shillings as may be prescribed by Post Office regulations " there shall be substituted the words " such fee as may be prescribed, " and, in subsection (3), for the word " warrant " there shall be substituted the word " regulations ". | Sections sixteen and eighteen. |
| In section fourteen, the words " Post Office " shall be repealed. | Section sixteen. |
| In section fifteen, for the words " the Treasury may by warrant make such regulations as may seem to them necessary for carrying the arrangement into effect, and may make provision as to the charges ", there shall be substituted the words " provision may be made by regulations for such matters as may seem to the Postmaster General necessary to be provided for for carrying the arrangement into effect and as to the charges ". | Section sixteen. |
| In section sixteen, in subsection (3), for the words " purporting to be signed by the Postmaster General or on his behalf by an officer of the Post Office duly authorised by or under section eighty-three of this Act ", there shall be substituted the words " signed by or on behalf of the Postmaster General ". | Section twenty-three. |
| In section nineteen, in subsection (3), for the words " purporting to be signed by the Postmaster General or on his behalf by an officer of the Post Office duly authorised by or under section eighty-three of this Act ", there shall be substituted the words " signed by or on behalf of the Postmaster General ". | Section twenty-three. |
| In section twenty, in subsection (1), the words " So long as the Treasury think fit " and the words " Post Office ", where first occurring, shall be repealed; in subsection (2), the words " Post Office " shall be repealed; in subsection (3), for the words " Subject to the said regulations ", there shall be substituted the words " Subject to any regulations having effect by virtue of the last foregoing subsection ", and the words " or the Consolidated Fund " shall be repealed; and in subsection (5), for the words " the said regulations ", there shall be substituted the words " any regulations having effect by virtue of subsection (2) of this section ". | Sections one and sixteen. |

| Amendments | Provision of this Act on which amendment is consequential |
|---|---|
| <p><i>The Post Office Act, 1953 (1 & 2 Eliz. 2. c. 36)—</i> contd.</p> | |
| <p>In section twenty-one, for subsection (1), there shall be substituted the following subsection:—</p> | <p>Sections sixteen, eighteen and twenty-two.</p> |
| <p>“(1) The Postmaster General may authorise his officers or any of them to issue money orders in a special form to be determined by him from time to time, and those money orders (in this Act referred to as ‘postal orders’) shall be paid in the prescribed manner and subject to the prescribed conditions, and the amounts for which they may be issued and the poundage payable in respect thereof shall be such as may be prescribed:</p> | |
| <p>Provided that after the expiration of the prescribed period after the date of the issue of a postal order the Postmaster General may refuse payment of the order except on payment of commission of such amount as may be prescribed”;</p> | |
| <p>and, in subsection (2), for the words “If the regulations so provide, the Postmaster General may authorise”, there shall be substituted the words “Regulations may empower the Postmaster General to authorise”.</p> | |
| <p>In section twenty-four, for the words “any modifications prescribed by Post Office regulations”, there shall be substituted the words “any prescribed modifications”, and the words “Post Office”, where thirdly occurring, and the words “by Post Office regulations”, where last occurring, shall be repealed.</p> | <p>Section sixteen.</p> |
| <p>In section forty-seven, in subsection (1), the words “with the consent of the Treasury” shall be repealed, and, in subsection (3), the words “with the consent of the Treasury” shall be repealed.</p> | <p>Section sixteen.</p> |
| <p>In section forty-eight, in subsection (1), the words “with the consent of the Treasury” shall be repealed.</p> | <p>Section sixteen.</p> |
| <p>In section forty-nine, subsection (1) shall be repealed.</p> | <p>Section sixteen.</p> |
| <p>In section sixty-three, in subsection (1), the words “by Post Office regulations” shall be repealed.</p> | <p>Section sixteen.</p> |
| <p>In section seventy-two, in subsection (2), for the words “purporting to be executed by him or on his behalf by an officer of the Post Office duly authorised by or under section eighty-three of this Act”, there shall be substituted the words “signed by him or on his behalf”.</p> | <p>Section twenty-three.</p> |
| <p>In section seventy-seven, in subsection (4), the words “out of moneys provided by Parliament” shall be repealed.</p> | <p>Section one.</p> |

| Amendments | Provision of this Act on which amendment is consequential |
|--|---|
| <p><i>The Post Office Act, 1953 (1 & 2 Eliz. 2. c. 36)—</i> contd.</p> | |
| <p>In section seventy-eight, in subsection (2), for the words “purporting to be signed by the Postmaster General or on his behalf by an officer of the Post Office duly authorised by or under section eighty-three of this Act”, there shall be substituted the words “signed by or on behalf of the Postmaster General”.</p> | Section twenty-three. |
| <p>Section eighty shall be repealed For section eighty-one there shall be substituted the following section:—</p> | Section one. Sections sixteen and twenty-three. |
| <p>“81. The Postmaster General may by statutory instrument (which shall be subject to annulment in pursuance of a resolution of either House of Parliament) make regulations for any purpose for which regulations may be made under this Act (except a purpose mentioned in subsection (2) of section sixteen of this Act) and for prescribing anything which may be prescribed under this Act.”</p> | |
| <p>Section eighty-two shall be repealed Section eighty-three shall be repealed</p> | Section sixteen. Section twenty-three. |
| <p>In section eighty-seven, in subsection (1), in the definition of “parcel”, the words “Post Office” shall be repealed, after the definition of “post office letter box”, there shall be inserted the following definition:—</p> | Section sixteen. |
| <p>“‘prescribed’ means prescribed by regulations”, and after the definition of “regular mail train services” there shall be inserted the following definition:—</p> | |
| <p>“‘regulations’ means regulations made under section eighty-one of this Act”.</p> | |
| <p>In the First Schedule, in paragraph 5, the words “with the consent of the Treasury” shall be repealed, for the words “stating the intention of the Treasury” there shall be substituted the words “stating his intention” and for the words “to forward to the Treasury” there shall be substituted the words “to forward to the Postmaster General”; in paragraph 6, for the words “the Treasury” there shall be substituted the words “the Postmaster General”; and, in paragraph 7, for the words “the Treasury are” there shall be substituted the words “the Postmaster General is”, for the word “they” there shall be substituted the word “he”, and for the words “the Postmaster General” there shall be substituted the word “him”.</p> | Section sixteen. |

| Amendments | Provision of this Act on which amendment is consequential |
|--|---|
| <p><i>The Telegraph Act, 1954 (2 & 3 Eliz. 2. c. 28).</i> In section one, in subsection (1), the words from "being, in the case" to "over twelve words" shall be repealed; in subsection (2) the words from "and that a special rate" to "1926" shall be repealed; subsections (3) and (4) shall be repealed; and, in subsection (6), the words from the beginning to "and", where secondly occurring, shall be repealed.</p> | Section eighteen. |
| <p><i>The Television Act, 1954 (2 & 3 Eliz. 2. c. 55).</i> Section eighteen shall be repealed</p> | Section one. |
| <p><i>The Post Office Savings Bank Act, 1954 (2 & 3 Eliz. 2. c. 62).</i> In section fifteen, for the words "and all the expenses incurred during each year ending on the thirty-first day of December" there shall be substituted the words "all payments made during each year ending on the thirty-first day of December to the Postmaster General in pursuance of subsection (6) of section nineteen of the Post Office Act, 1961, for work done in the execution of this Act, and all expenses incurred during each such year in the execution of this Act (otherwise than by the Postmaster General)".</p> | Section nineteen. |
| <p>In section sixteen, in subsection (1), for the words "and all expenses incurred in the execution of this Act shall be paid out of money so deposited" there shall be substituted the words "and all payments made to the Postmaster General in pursuance of subsection (6) of section nineteen of the Post Office Act, 1961, for work done in the execution of this Act and all expenses incurred in the execution of this Act (otherwise than by the Postmaster General) shall be paid out of money so deposited"; in subsection (2) for the words "to pay the said expenses incurred in the execution of this Act" there shall be substituted the words "to make, under subsection (1) of this section, any payment for or in respect of work done or expenses incurred in the execution of this Act"; and, in subsection (3), for the words "the expenses mentioned in that section" there shall be substituted the words "the expenses incurred in the execution of this Act (otherwise than by the Postmaster General)".</p> | Section nineteen. |
| <p>In section eighteen, in subsection (1), for the words "the expenses incurred in the execution of this Act", there shall be substituted the words "the payments made under subsection (1) of section sixteen of this Act for or in respect of work done or expenses incurred in the execution of this Act".</p> | Section nineteen. |

| Amendments | Provision of this Act on which amendment is consequential |
|---|--|
| <p><i>The Post Office Savings Bank Act, 1954 (2 & 3 Eliz. 2. c. 62)</i>—contd.</p> <p>In section nineteen, in subsection (1), for paragraph (b) there shall be substituted the following paragraphs:—</p> <p>“(b) such sum as may be determined by the Treasury to be necessary to provide against depreciation in the value of the securities; and</p> <p>(c) sums paid during the year under subsection (1) of section sixteen of this Act for or in respect of work done or expenses incurred in the execution of this Act”,</p> <p>and in subsection (2), for paragraphs (a) and (b), there shall be substituted the words “the aggregate of the sums mentioned in paragraphs (a) to (c) of the foregoing subsection”.</p> <p>In section twenty-two, in subsection (1), the words “the Postmaster General and”, wherever occurring, and the word “respectively”, wherever occurring, shall be repealed; in subsection (2), after the words “expenses incurred” there shall be inserted the words “by the Commissioners”; and subsection (3) shall be repealed.</p> <p>In section twenty-three, for the words “incurred in the execution of this Act which are to be defrayed in accordance with section sixteen of this Act” there shall be substituted the words “incurred by the Commissioners in the execution of this Act”.</p> <p><i>The Post Office Works Act, 1959 (7 & 8 Eliz. 2. c. 43).</i></p> <p>Section six shall be repealed</p> | <p>Section nineteen.</p> <p>Section nineteen.</p> <p>Section nineteen.</p> <p>Section one.</p> |

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Table of Statutes referred to in this Act

| Short Title | Session and Chapter |
|--|-----------------------|
| Bank of England Act, 1819 | 59 Geo. 3. c. 76. |
| Superannuation Act, 1859 | 22 Vict. c. 26. |
| Juries Act, 1862 | 25 & 26 Vict. c. 107. |
| Documentary Evidence Act, 1868 | 31 & 32 Vict. c. 37. |
| Telegraph Act, 1869 | 32 & 33 Vict. c. 73. |
| Pensions Commutation Act, 1871 | 34 & 35 Vict. c. 36. |
| Telegraph Act, 1885 | 48 & 49 Vict. c. 58. |
| Inland Revenue Regulation Act, 1890 | 53 & 54 Vict. c. 21. |
| Public Accounts and Charges Act, 1891 | 54 & 55 Vict. c. 24. |
| Stamp Duties Management Act, 1891 | 54 & 55 Vict. c. 38. |
| Stamp Act, 1891 | 54 & 55 Vict. c. 39. |

| Short Title | Session and Chapter |
|--|------------------------------|
| Superannuation Act, 1892 | 55 & 56 Vict. c. 40. |
| Finance Act, 1911 | 1 & 2 Geo. 5. c. 48. |
| Government of Ireland Act, 1920 | 10 & 11 Geo. 5. c. 67. |
| Exchequer and Audit Departments Act, 1921 | 11 & 12 Geo. 5. c. 52. |
| Government Annuities Act, 1929 | 19 & 20 Geo. 5. c. 29. |
| Finance Act, 1933 | 23 & 24 Geo. 5. c. 19. |
| Superannuation Act, 1935 | 25 & 26 Geo. 5. c. 23. |
| Old Age Pensions Act, 1936 | 26 Geo. 5 & 1 Edw. 8. c. 31. |
| Ministers of the Crown Act, 1937 | 1 Edw. 8 & 1 Geo. 6. c. 38. |
| National Loans Act, 1939 | 2 & 3 Geo. 6. c. 117. |
| Finance Act, 1940 | 3 & 4 Geo. 6. c. 29. |
| Superannuation Act, 1946 | 9 & 10 Geo. 6. c. 60. |
| National Assistance Act, 1948 | 11 & 12 Geo. 6. c. 29. |
| Superannuation (Miscellaneous Provisions) Act, 1948 | 11 & 12 Geo. 6. c. 33. |
| Commonwealth Telegraphs Act, 1949 | 12, 13 & 14 Geo. 6. c. 39. |
| Superannuation Act, 1949 | 12, 13 & 14 Geo. 6. c. 44. |
| Wireless Telegraphy Act, 1949 | 12, 13 & 14 Geo. 6. c. 54. |
| Patents Act, 1949 | 12, 13 & 14 Geo. 6. c. 87. |
| Registered Designs Act, 1949 | 12, 13 & 14 Geo. 6. c. 88. |
| Vehicles (Excise) Act, 1949 | 12, 13 & 14 Geo. 6. c. 89. |
| Justices of the Peace Act, 1949 | 12, 13 & 14 Geo. 6. c. 101. |
| Workmen's Compensation (Supplementa- tion) Act, 1951 | 14 & 15 Geo. 6. c. 22. |
| Telephone Act, 1951 | 14 & 15 Geo. 6. c. 52. |
| Post Office Act, 1953 | 1 & 2 Eliz. 2. c. 36. |
| Telegraph Act, 1954 | 2 & 3 Eliz. 2. c. 28. |
| Television Act, 1954 | 2 & 3 Eliz. 2. c. 55. |
| Post Office Savings Bank Act, 1954... .. | 2 & 3 Eliz. 2. c. 62. |
| Workmen's Compensation and Benefit (Sup- plementation) Act, 1956 | 4 & 5 Eliz. 2. c. 51. |
| National Debt Act, 1958 | 7 & 8 Eliz. 2. c. 6. |
| Dog Licences Act, 1959 | 7 & 8 Eliz. 2. c. 55. |

CHAPTER 16

Sierra Leone Independence Act, 1961

ARRANGEMENT OF SECTIONS

Section

1. Provision for the fully responsible status of Sierra Leone.
2. Consequential modifications of British Nationality Acts.
3. Consequential modification of other enactments.
4. Short title and interpretation.

SCHEDULES:

First Schedule—Area included in Sierra Leone.

Second Schedule—Legislative powers in Sierra Leone.

Third Schedule—Amendments not affecting law of Sierra Leone.

An Act to make provision for, and in connection with, the attainment by Sierra Leone of fully responsible status within the Commonwealth. [28th March, 1961]

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

Provision for the fully responsible status of Sierra Leone.

1.—(1) On the twenty-seventh day of April, nineteen hundred and sixty-one (in this Act referred to as "the appointed day"), the Sierra Leone Colony and the Sierra Leone Protectorate (of which the combined area is that specified in the First Schedule to this Act) shall together constitute part of Her Majesty's dominions under the name of Sierra Leone.

(2) No Act of the Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to Sierra Leone as part of the law thereof, and as from that day—

(a) Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Sierra Leone; and

(b) the provisions of the Second Schedule to this Act shall have effect with respect to legislative powers in Sierra Leone.

(3) Without prejudice to subsection (2) of this section, nothing in subsection (1) thereof shall affect the operation in Sierra Leone or any part thereof on and after the appointed day of any enactment, or any other instrument having the effect of law, passed or made with respect thereto before that day.

Consequential modifications of British Nationality Acts.

2.—(1) As from the appointed day, the British Nationality Acts, 1948 and 1958, shall have effect as if—

(a) in subsection (3) of section one of the said Act of 1948 (which provides for persons to be British subjects or Commonwealth citizens by virtue of citizenship of certain countries) the word "and" in the last place where it occurs were omitted, and at the end there were added the words "and Sierra Leone";

(b) in the First Schedule to the British Protectorates, Protected States and Protected Persons Order in Council, 1949, the words "Sierra Leone Protectorate" were omitted:

Provided that a person who immediately before the appointed day is for the purposes of the said Acts and Order in Council a British protected person by virtue of his connection with the Sierra Leone Protectorate shall not cease to be such a British protected person for any of those purposes by reason of anything contained in the foregoing provisions of this Act, but shall so

cease upon his becoming a citizen of Sierra Leone under the law thereof.

(2) Subject to the following provisions of this section, any person who immediately before the appointed day is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if—

(a) under the law of Sierra Leone he becomes on that day a citizen of Sierra Leone ; and

(b) he, his father or his father's father was born in any of the territories comprised in Sierra Leone.

(3) Subject to subsection (8) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under the last foregoing subsection if he, his father or his father's father—

(a) was born in the United Kingdom or in a colony ; or

(b) is or was a person naturalised in the United Kingdom and Colonies ; or

(c) was registered as a citizen of the United Kingdom and Colonies ; or

(d) became a British subject by reason of the annexation of any territory included in a colony.

(4) A person shall not cease to be a citizen of the United Kingdom and Colonies under subsection (2) of this section if he was born in a protectorate, protected state or United Kingdom trust territory, or if his father or his father's father was so born and is or at any time was a British subject.

(5) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under subsection (2) of this section unless her husband does so.

(6) Subsection (2) of section six of the British Nationality Act, 1948 (which provides for the registration as a citizen of the United Kingdom and Colonies of a woman who has been married to such a citizen) shall not apply to a woman by virtue of her marriage to a person who ceases to be such a citizen under subsection (2) of this section, or who would have done so if living on the appointed day.

(7) Subject to the next following subsection, the reference in paragraph (b) of subsection (3) of this section to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act, 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of subsection (6) of section thirty-two of that Act (which relates to persons given local naturalisation before that commencement in a colony or protectorate).

(8) Any reference in subsection (3) or (4) of this section to a territory of any of the following descriptions, that is to say,

a colony, protectorate, protected state or United Kingdom trust territory, shall, subject to the next following subsection, be construed as a reference to a territory which is of that description on the appointed day; and the said subsection (3) shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the governor or government of a territory outside the United Kingdom which is not on that day of one of those descriptions.

(9) The protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in subsection (4) or (8) of this section to a protectorate.

(10) Part III of the British Nationality Act, 1948 (which contains supplemental provisions) shall have effect for the purposes of subsections (2) to (9) of this section as if those subsections were included in that Act.

Consequential
modification
of other
enactments.

3.—(1) Notwithstanding anything in the Interpretation Act, 1889, the expression “colony” in any Act of the Parliament of the United Kingdom passed on or after the appointed day shall not include Sierra Leone.

(2) As from the appointed day—

(a) the expression “colony” in the Army Act, 1955, the Air Force Act, 1955, and the Naval Discipline Act, 1957, shall not include Sierra Leone or any part thereof; and

(b) in the definitions of “Commonwealth force” in subsection (1) of section two hundred and twenty-five and subsection (1) of section two hundred and twenty-three respectively of the said Acts of 1955, and in the definition of “Commonwealth country” in subsection (1) of section one hundred and thirty-five of the said Act of 1957—

(i) the word “or” (being, in the said Acts of 1955, that word in the last place where it occurs in those definitions) shall be omitted; and

(ii) at the end there shall be added the words “or Sierra Leone”.

(3) As from the appointed day, the provisions specified in the Third Schedule to this Act shall have effect subject to the amendments respectively specified in that Schedule, and Her Majesty may by Order in Council, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make such further adaptations in any Act of the Parliament of the United Kingdom passed before this Act, or in any instrument having effect under any such Act, as appear to Her necessary in consequence of section one of this Act; and any Order in Council made under this subsection may be varied or revoked by a subsequent Order in Council so made and,

though made after the appointed day, may be made so as to have effect from that day:

Provided that this subsection shall not extend to Sierra Leone or any part thereof as part of the law thereof.

4.—(1) This Act may be cited as the Sierra Leone Independence Act, 1961. Short title
and
interpretation.

(2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

SCHEDULES

FIRST SCHEDULE

Section 1

AREA INCLUDED IN SIERRA LEONE

The area in West Africa lying between the sixth and tenth degrees of north latitude and the tenth and fourteenth degrees of west longitude and bounded on the north by the boundary line delimited under the provisions of the Anglo-French Convention dated the twenty-eighth day of June, 1882, the Anglo-French Arrangement dated the tenth day of August, 1889, the Anglo-French Agreement dated the twenty-first day of January, 1895, and the notes exchanged between His Majesty's Principal Secretary of State for Foreign Affairs and the Ambassador of the French Republic, and dated the sixth day of July, 1911, and on the south by the Anglo-Liberian boundary line delimited under the provisions of the Anglo-Liberian Conventions dated the eleventh day of November, 1885, and the twenty-first day of January, 1911.

SECOND SCHEDULE

Section 1.

LEGISLATIVE POWERS IN SIERRA LEONE

1. The Colonial Laws Validity Act, 1865, shall not apply to any law made on or after the appointed day by the legislature of Sierra Leone.

2. No law and no provision of any law made on or after the appointed day by that legislature shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any Act of the Parliament of the United Kingdom, including this Act, or to any order, rule or regulation made under any such Act, and, subject to paragraph 6 of this Schedule, the powers of that legislature shall include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of Sierra Leone or any part thereof.

3. The said legislature shall have full power to make laws having extra-territorial operation.

4. Without prejudice to the generality of the foregoing provisions of this Schedule, sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as though references therein to the legislature of a British possession did not include references to the legislature of Sierra Leone.

2ND SCH.

5. Without prejudice to the generality of the foregoing provisions of this Schedule, section four of the Colonial Courts of Admiralty Act, 1890 (which requires certain laws to be reserved for the signification of Her Majesty's pleasure or to contain a suspending clause) and so much of section seven of that Act as requires the approval of Her Majesty in Council to any rules of court for regulating the practice and procedure of a Colonial Court of Admiralty shall cease to have effect in Sierra Leone.

6. Nothing in this Act shall confer on the legislature of Sierra Leone any power to repeal, amend or modify the constitutional provisions otherwise than in such manner as may be provided for in those provisions.

In this paragraph, the expression "the constitutional provisions" means this Act, any Order in Council made before the appointed day which revokes Parts II to VI of the Sierra Leone (Constitution) Order in Council, 1958, and the Sierra Leone Protectorate Orders in Council, 1951 to 1960, and any law, or instrument made under a law, of the legislature of Sierra Leone made on or after that day which amends, modifies, re-enacts with or without amendment or modification, or makes different provision in lieu of, any of the provisions of this Act, that Order in Council or any such law or instrument previously made.

Section 3.

THIRD SCHEDULE

AMENDMENTS NOT AFFECTING LAW OF SIERRA LEONE

Diplomatic immunities

1. In section four hundred and sixty-one of the Income Tax Act, 1952 (which relates to exemption from income tax in the case of certain Commonwealth representatives and their staffs)—

- (a) in subsection (2), the word "or" (in the last place where it occurs before the words "for any state") shall be omitted, and immediately before the words "for any state" there shall be inserted the words "or Sierra Leone";
- (b) in subsection (3), the word "or" (in the last place where it occurs before the words "and Agent-General") shall be omitted, and immediately before the words "and Agent-General" there shall be inserted the words "or Sierra Leone";

2. In subsection (6) of section one of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952, immediately before the word "and" in the last place where it occurs there shall be inserted the words "Sierra Leone".

3. In subsection (5) of section one of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961, after the word "Nigeria" there shall be inserted the words "Sierra Leone".

Financial

4. In section two of the Import Duties Act, 1958, in subsection (4), after the word "Nyasaland" there shall be inserted the words "Sierra Leone".

5. In the Colonial Stock Act, 1934 (which extends the stocks which may be treated as trustee securities) the expression "Dominion" shall include Sierra Leone; and, during any period falling on or after the appointed day during which there is in force as part of the law of Sierra Leone any instrument passed or made before that day which makes provision corresponding to the undertaking required to be given by the Government of a Dominion under paragraph (a) of subsection (1) of section one of that Act, paragraphs (a) and (b) of the said subsection (1) shall be deemed to have been complied with in the case of Sierra Leone.

Visiting forces

6. In the Visiting Forces (British Commonwealth) Act, 1933, section four (which deals with attachment and mutual powers of command) and the definition of "visiting force" for the purposes of that Act which is contained in section eight thereof shall apply in relation to forces raised in Sierra Leone as they apply in relation to forces raised in Dominions within the meaning of the Statute of Westminster, 1931.

7. In the Visiting Forces Act, 1952—

(a) in paragraph (a) of subsection (1) of section one (which specifies the countries to which that Act applies) the word "or" in the first place where it occurs shall be omitted, and at the end there shall be added the words "Sierra Leone or";

(b) in paragraph (a) of subsection (1) of section ten the expression "colony" shall not include Sierra Leone or any part thereof;

and, until express provision with respect to Sierra Leone is made by an Order in Council under section eight of that Act (which relates to the application to visiting forces of law relating to home forces), any such Order for the time being in force shall be deemed to apply to visiting forces of Sierra Leone.

Ships and aircraft

8. In subsection (2) of section four hundred and twenty-seven of the Merchant Shipping Act, 1894, as substituted by section two of the Merchant Shipping (Safety Convention) Act, 1949, the word "or" (in the last place where it occurs before the words "or in any") shall be omitted, and immediately before the words "or in any" there shall be inserted the words "or Sierra Leone".

9. In the proviso to subsection (2) of section six of the Merchant Shipping Act, 1948, the word "or" in the last place where it occurs shall be omitted and at the end there shall be added the words "or Sierra Leone".

10. In the definition of "excepted ship or aircraft" in paragraph 3 of the Third Schedule to the Emergency Laws (Repeal) Act, 1959, the word "or" (in the last place where it occurs before the words "or in any") shall be omitted, and immediately before the words "or in any" there shall be inserted the words "or Sierra Leone".

3RD SCH.

11. The Ships and Aircraft (Transfer Restriction) Act, 1939, shall not apply to any ship by reason only of its being registered in, or licensed under the law of, Sierra Leone; and the penal provisions of that Act shall not apply to persons in Sierra Leone (but without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships).

12. In the Whaling Industry (Regulation) Act, 1934, the expression "British ship to which this Act applies" shall not include a British ship registered in Sierra Leone.

Copyright

13. The references in section thirty-one of the Copyright Act, 1956, to a colony shall not include Sierra Leone.

14. If the Copyright Act, 1911, so far as in force in the law of Sierra Leone is repealed or amended by that law at a time when sub-paragraph (2) of paragraph 39 of the Seventh Schedule to the Copyright Act, 1956 (which applies certain provisions of that Act in relation to countries to which the said Act of 1911 extended) is in force in relation to Sierra Leone, the said sub-paragraph (2) shall thereupon cease to have effect in relation thereto.

Divorce jurisdiction

15. In subsection (2) of section two of the Indian and Colonial Divorce Jurisdiction Act, 1926 (which enables section one of that Act to be extended to certain countries, but not to any of the countries named in the said subsection (2)) the word "and" shall be omitted in the last place where it occurs and at the end there shall be added the words "and Sierra Leone".

Commonwealth Institute

16. In subsection (2) of section eight of the Imperial Institute Act, 1925, as amended by the Commonwealth Institute Act, 1958 (which relates to the power to vary the provisions of the said Act of 1925 if an agreement for the purpose is made with the governments of certain territories which for the time being are contributing towards the expenses of the Commonwealth Institute) the word "and" shall be omitted and at the end there shall be added the words "and Sierra Leone".



Table of Statutes referred to in this Act

| Short Title | Session and Chapter |
|--|---------------------------------------|
| Colonial Laws Validity Act, 1865 | 28 & 29 Vict. c. 63. |
| Interpretation Act, 1889 | 52 & 53 Vict. c. 63 |
| Colonial Courts of Admiralty Act, 1890 | 53 & 54 Vict. c. 27 |
| Merchant Shipping Act, 1894 | 57 & 58 Vict. c. 60. |
| Copyright Act, 1911 | 1 & 2 Geo. 5. c. 46. |
| Imperial Institute Act, 1925 | 15 & 16 Geo. 5. c. xvii. |
| Indian and Colonial Divorce Jurisdiction Act, 1926 | 16 & 17 Geo. 5. c. 40. |
| Statute of Westminster, 1931 | 22 & 23 Geo. 5. c. 4. |
| Visiting Forces (British Commonwealth) Act, 1933 | 23 & 24 Geo. 5. c. 6. |
| Colonial Stock Act, 1934 | 24 & 25 Geo. 5. c. 47. |
| Whaling Industry (Regulation) Act, 1934 | 24 & 25 Geo. 5. c. 49. |
| Ships and Aircraft (Transfer Restriction) Act, 1939 | 2 & 3 Geo. 6. c. 70. |
| Merchant Shipping Act, 1948 | 11 & 12 Geo. 6. c. 44. |
| British Nationality Act, 1948 | 11 & 12 Geo. 6. c. 56. |
| Merchant Shipping (Safety Convention) Act, 1949 | 12, 13 & 14 Geo. 6. c. 43. |
| Income Tax Act, 1952 | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 10. |
| Diplomatic Immunities (Commonwealth Coun- tries and Republic of Ireland) Act, 1952 | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 18. |
| Visiting Forces Act, 1952 | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67. |
| Army Act, 1955 | 3 & 4 Eliz. 2. c. 18. |
| Air Force Act, 1955 | 3 & 4 Eliz. 2. c. 19. |
| Copyright Act, 1956 | 4 & 5 Eliz. 2. c. 74. |
| Naval Discipline Act, 1957 | 5 & 6 Eliz. 2. c. 53. |
| Import Duties Act, 1958 | 6 & 7 Eliz. 2. c. 6. |
| British Nationality Act, 1958 | 6 & 7 Eliz. 2. c. 10. |
| Commonwealth Institute Act, 1958 | 6 & 7 Eliz. 2. c. 16. |
| Emergency Laws (Repeal) Act, 1959 | 7 & 8 Eliz. 2. c. 19. |
| Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961 | 9 & 10 Eliz. 2. c. 11. |

CHAPTER 17

Betting Levy Act, 1961

ARRANGEMENT OF SECTIONS

Horserace Betting Levy Board

Section

1. Establishment of Horserace Betting Levy Board.
2. General powers and duties of Levy Board.

Levy on bookmakers

3. Bookmakers' levy schemes.
4. Assessment of or exemption from bookmakers' levy.
5. Bookmaker's permits and the levy.

Contributions by and reconstitution of Totalisator Board

Section

6. Contributions by Totalisator Board.
7. Reconstitution of Totalisator Board.

General

8. Accounts of, and reports by, Levy Board and Totalisator Board.
9. Transitional provisions.
10. Short title, commencement and extent.

SCHEDULES:

- First Schedule—Bookmakers' Committee.
Second Schedule—Appeal tribunals.

An Act to provide for contributions for purposes connected with the advancement of horse racing from persons engaged by way of business in effecting betting transactions on horse races; and for connected purposes. [28th March, 1961]

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:—

Horserace Betting Levy Board

Establishment
of Horserace
Betting Levy
Board.

1.—(1) There shall be established a Horserace Betting Levy Board (in this Act referred to as "the Levy Board") which shall be charged with the duty of assessing and collecting in accordance with the provisions of this Act, and of applying, subject to the provisions of this Act, for purposes conducive to any one or more of the following, that is to say—

- (a) the improvement of breeds of horses;
- (b) the advancement or encouragement of veterinary science or veterinary education;
- (c) the improvement of horse racing,

monetary contributions from bookmakers within the meaning of the Betting and Gaming Act, 1960, and from the Totalisator Board referred to in section seven of this Act.

(2) The Levy Board shall consist of a chairman and seven other members of whom—

- (a) the chairman and two other members shall be appointed by the Secretary of State and shall be persons who the Secretary of State is satisfied have no interests connected with horse racing which might hinder them from discharging their functions as members of the Board in an impartial manner;

- (b) two members shall be appointed by the Jockey Club ;
- (c) one member shall be appointed by the National Hunt Committee ;
- (d) one member shall be the chairman for the time being of the Bookmakers' Committee established under subsection (3) of section three of this Act ; and
- (e) one member shall be the chairman for the time being of the Totalisator Board ;

(3) Any person appointed to be a member of the Levy Board under paragraph (a) of subsection (2) of this section shall hold and vacate office in accordance with the terms of the instrument under which he was appointed, and any person appointed to be a member of the Board under paragraph (b) or (c) of that subsection may be removed from the Board at any time by the person by whom he was appointed.

(4) The Jockey Club, the National Hunt Committee, the Bookmakers' Committee and the Totalisator Board respectively may from time to time appoint a person to act in the place of such a member of the Levy Board as is mentioned in paragraph (b), (c), (d) or (e), as the case may be, of subsection (2) of this section at any meeting of the Levy Board at which that member is unable to be present, and while so acting any such person shall be deemed for the purposes of any act or proceeding of the Levy Board to be a member of that Board.

(5) The Levy Board shall be a body corporate and shall have perpetual succession and a common seal.

(6) The Levy Board may pay to the chairman and the two other members appointed by the Secretary of State such remuneration, and to any member of the Board travelling, subsistence or other allowances at such rates, as the Board may with the approval of the Secretary of State determine.

(7) The Levy Board may appoint officers, servants and agents on such terms as to remuneration, pensions or otherwise as the Board may determine.

(8) The Levy Board may regulate their own procedure and make standing orders governing the conduct of their business.

(9) The first meeting of the Levy Board shall be convened by the chairman.

(10) No act or proceeding of the Levy Board shall be questioned on account of any vacancy in the number of the members thereof or on account of the appointment of any member having been defective.

(11) 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), as it applies to the House of Commons of the Parliament of the United

Kingdom, shall have effect as if after the entry relating to the National Parks Commission there were inserted the words "Member appointed by the Secretary of State of the Horserace Betting Levy Board".

General
powers and
duties of
Levy Board.

2.—(1) The Levy Board shall have power—

- (a) with the approval of, and subject to any conditions imposed by, the Secretary of State, to engage in any activity connected with any of the matters specified in paragraphs (a) to (c) of subsection (1) of section one of this Act ;
- (b) to acquire and hold such land as may be reasonably required for the purposes of any of their functions and to sell or lease any land held by them which is not required for those purposes ;
- (c) to borrow for the purposes of any of their functions and to give security for any moneys borrowed by them ;
- (d) to lend or invest money for the purposes of or in connection with any activity in which they have power under paragraph (a) of this subsection to engage, and to make such other loans or investments as they judge desirable for the proper conduct of their affairs and as, under the enactments for the time being in force, a trustee would be authorised to make out of trust funds ;
- (e) to do all such things as are incidental to, or conducive to the attainment of the purposes of, any of their functions.

(2) The Levy Board shall apply any moneys from time to time available in their hands—

- (a) in providing for the payment of rates, taxes, charges, expenses and other outgoings, including any sums which they are required or authorised to pay by virtue of section nine of, or the First or Second Schedule to, this Act ;
- (b) in retaining such sums and making provision for such matters as they think proper in connection with any of their functions ;
- (c) in making such payments as they think fit for charitable purposes ;
- (d) subject to the foregoing paragraphs of this subsection, in making payments, in accordance with schemes from time to time prepared by the Levy Board and approved with or without modifications by the Secretary of State, for such purposes as are mentioned in subsection (1) of section one of this Act.

Levy on bookmakers

3.—(1) Contributions under this Act by bookmakers shall be paid by way of a levy in respect of each levy period in accordance with a scheme having effect for that period under this section; and in this Act the expression “levy period” means a period of twelve months beginning with the first day of April in any year. Bookmakers’
levy schemes.

(2) Any such scheme shall include provision—

- (a) for securing that the levy shall be payable only by a bookmaker who carries on on his own account a business which includes the effecting of betting transactions on horse races, and only in respect of so much of the business of the bookmaker as relates to such betting transactions;
- (b) for bookmakers to be divided for the purposes of the levy into different categories;
- (c) for the amount, if any, payable by way of the levy by any particular bookmaker to be determined by reference to the category into which he falls;
- (d) as to the method of the promulgation of the scheme by the Levy Board;
- (e) for the submission to the Levy Board by each bookmaker before a specified date of a declaration as to the category into which he falls;
- (f) for the issue by the Levy Board of notices of assessment to, and certificates of exemption from, the levy.

(3) For the purposes of the levy there shall be established in accordance with the provisions of the First Schedule to this Act a committee which shall be known as the Bookmakers’ Committee.

(4) Not later than such date before the beginning of any levy period as the Levy Board may determine, the Bookmakers’ Committee shall make recommendations to the Levy Board with respect to the scheme to have effect under this section for that period, and those recommendations shall take the form either of a draft scheme or of a recommendation that the current scheme shall continue to have effect without amendment or with specified amendments.

(5) If the Levy Board approve the recommendations aforesaid, or those recommendations as revised by the Bookmakers’ Committee in the light of any observations thereon made to the committee by the Board, the scheme so recommended and approved shall have effect accordingly for the levy period in question.

(6) If the Levy Board do not approve the recommendations or any revised recommendations of the Bookmakers' Committee, or if by the date specified under subsection (4) of this section no recommendations have been received by the Board from the committee, the three persons for the time being appointed to be members of the Board by the Secretary of State shall consider and compare—

- (a) the extent of the need for the time being for contributions for such purposes as are specified in subsection (1) of section one of this Act ;
- (b) the capacity for the time being of bookmakers to make contributions for such purposes ; and
- (c) the capacity for the time being of the Totalisator Board to make such contributions,

and, in the light of that consideration and comparison, make their own determination as to the scheme to have effect under this section for the levy period in question, which may take the form either of a new scheme or of a direction that the current scheme shall continue to have effect without amendment or with specified amendments ; and the scheme so determined shall have effect accordingly for that period.

Assessment of
or exemption
from
bookmakers'
levy.

4.—(1) Subject to the provisions of this section, a bookmaker shall be assessed to or exempted from the levy under the scheme having effect for any levy period under section three of this Act in accordance with his declaration submitted in accordance with that scheme as to the category into which he falls for the purposes thereof.

(2) If in the case of any bookmaker and any levy period the bookmaker fails to submit such a declaration as aforesaid in accordance with the scheme having effect for that period, the Levy Board shall refer his case to the Bookmakers' Committee for their opinion as to the category into which he falls, and, subject to the provisions of this section, the bookmaker shall be assessed to or exempted from the levy for that period accordingly.

(3) The Bookmakers' Committee may, and if so required by the Levy Board in the case of any particular declaration or class of declarations shall, scrutinise any such declaration as aforesaid ; and if, in the case of any bookmaker whose declaration is scrutinised under this subsection by the committee, the committee are of opinion that he falls into some other category than that stated by him in his declaration, then, unless an assessment notice or certificate of exemption has already been issued to that bookmaker in respect of the levy period in question, he shall be assessed to or exempted from the levy for that period by reference to that other category.

(4) In exercising any of their functions under subsection (2) or (3) of this section, the Bookmakers' Committee may consult such persons, if any, as they think proper.

(5) An assessment notice issued by the Levy Board in the case of any bookmaker for any levy period shall be conclusive as to his liability to the levy for that period and the amount payable by him by way thereof unless not later than twenty-eight days after the notice is served on him he gives to the Board notice in writing of appeal therefrom.

(6) On receiving any notice of appeal under the last foregoing subsection, the Levy Board shall refer the appeal to an appeal tribunal established in pursuance of the Second Schedule to this Act, which shall have power to confirm, increase or reduce the assessment, or grant the appellant a certificate of exemption from the levy, according to the tribunal's opinion as to the category into which he falls, but which—

(a) shall not reduce the assessment or grant the appellant a certificate of exemption unless the appellant has afforded the tribunal all the facilities it may have required for the investigation of his case ;

(b) shall confirm the assessment unless the tribunal is satisfied that, on all the evidence made available to it, the assessment should be varied or rescinded ;

and any decision of the tribunal as to the category into which the appellant falls for the purposes of the levy for the levy period in question shall be final.

(7) Any amount assessed as payable by any bookmaker by way of the levy in respect of any levy period shall become due twenty-eight days after notice of the assessment has been served on the bookmaker or, if he appeals therefrom in pursuance of the foregoing provisions of this section, on the determination or abandonment of the appeal, and shall be recoverable by the Levy Board as a debt due to them.

(8) Upon the discharge by a bookmaker of his liability by way of the levy in respect of any levy period, the Levy Board shall issue to him a certificate in writing to the effect that he has done so, and any such certificate shall be conclusive evidence of the facts stated therein.

(9) An assessment notice may be served on any bookmaker either by serving it on him personally or by sending it to him by post at his usual or last-known residence or place of business in the United Kingdom or, if the bookmaker is a company, at the company's registered office.

(10) If, otherwise than with the consent in writing of the bookmaker concerned or—

(a) for the purposes of this section or of a report of any proceedings before an appeal tribunal thereunder ; or

(b) for the purposes of, or of a report of—

(i) proceedings for the recovery from that bookmaker of any amount due from him by way of the levy; or

(ii) proceedings relating to that bookmaker before an appropriate authority within the meaning of the First Schedule to the Betting and Gaming Act, 1960, or before any court on an appeal from any such authority; or

(iii) any criminal proceedings,

any person who is a member, officer or servant of the Levy Board, the Bookmakers' Committee or an appeal tribunal established under this Act, or who is consulted by the Bookmakers' Committee in pursuance of subsection (4) of this section, discloses to any other person in such a manner as to identify the bookmaker concerned any declaration by or assessment on any bookmaker for the purposes of the levy, or any other information concerning that bookmaker obtained through the exercise of any functions under this section, or any ruling of the Bookmakers' Committee or an appeal tribunal as to the category into which any bookmaker falls, he shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Bookmaker's
permits and
the levy.

5.—(1) The clerk to each appropriate authority within the meaning of the First Schedule to the Betting and Gaming Act, 1960, shall send to the Levy Board such particulars of any bookmaker's permit granted or renewed under that Act by, or by the court which determined any appeal from, that authority as the Secretary of State may by regulations made by statutory instrument prescribe.

(2) In considering for the purposes of any application for the renewal of a bookmaker's permit whether any person is or is not a fit and proper person to be the holder of such a permit, any such authority as aforesaid shall have regard to whether or not that person has discharged all his liabilities, if any, by way of the levy, and to the circumstances in which any failure to discharge any of those liabilities arose.

Contributions by and reconstitution of Totalisator Board

Contributions
by Totalisator
Board.

6.—(1) Subject to subsection (2) of this section, the contribution to be paid by the Totalisator Board under this Act in respect of any levy period shall be such as may be determined before the beginning of that period by the Levy Board after consultation with the Totalisator Board.

(2) If in the case of any levy period the Totalisator Board object to the contribution determined by the Levy Board under the foregoing subsection, the contribution payable by the Totalisator Board in respect of that period shall instead be determined

by the three persons for the time being appointed as members of the Levy Board by the Secretary of State, who shall make their determination after, and in the light of, the consideration and comparison by them of—

- (a) the extent of the need for the time being for contributions for such purposes as are specified in subsection (1) of section one of this Act ;
- (b) the capacity for the time being of the Totalisator Board to make contributions for such purposes ; and
- (c) the capacity for the time being of bookmakers to make such contributions.

7.—(1) The Board established under the Racecourse Betting Act, 1928 (in this Act referred to as “the Totalisator Board”) shall, instead of being known as the Racecourse Betting Control Board, be known as the Horserace Totalisator Board, and any reference to the Racecourse Betting Control Board in any Act or other document shall be construed accordingly. Reconstitution
of Totalisator
Board.

(2) The following provisions of section two of the said Act of 1928 (which relate to the membership of the Totalisator Board), that is to say, subsection (1) from the word “which” onwards and subsections (3), (4) and (5), and any appointment to the Board in pursuance of those provisions, shall cease to have effect, and the Board shall be reconstituted in accordance with the provisions of the next following subsection.

(3) The Totalisator Board shall consist of a chairman and three other members, all four of whom shall be appointed by the Secretary of State and shall hold and vacate office in accordance with the terms of the respective instruments under which they are appointed ; and the first meeting of the Board as reconstituted in pursuance of this subsection shall be convened by the chairman.

(4) Subject to subsection (8) of this section, the Totalisator Board may pay to any member of the Board such remuneration, and travelling, subsistence or other allowances at such rates, as the Board may with the approval of the Secretary of State determine ; and subsection (6) of section two of the said Act of 1928 shall cease to have effect.

(5) Any officer, servant or agent appointed by the Totalisator Board under subsection (7) of the said section two may be appointed on such terms as to remuneration, pensions or otherwise as the Board may determine ; and in the said subsection (7) the words from “and prescribe” onwards shall cease to have effect.

(6) Paragraph (a) of subsection (3) of section eleven of the Betting and Gaming Act, 1960 (which confers on the Totalisator Board like powers to those conferred on the Levy Board by

paragraph (a) of subsection (1) of section two of this Act) shall cease to have effect ; and for paragraph (d) of the said subsection (3) (which confers on the Totalisator Board powers of investment similar to those conferred on the Levy Board by paragraph (d) of the said subsection (1)) there shall be substituted the following, that is to say—

“ (d) to make such loans or investments as they judge desirable for the proper conduct of their affairs, being loans or investments either—

(i) such as, under the enactments for the time being in force, a trustee would be authorised to make out of trust funds ; or

(ii) approved, or of a description approved, by the Secretary of State.”

(7) Subsection (4) of the said section eleven (which relates to the manner in which the Totalisator Board are to apply any moneys from time to time available in their hands) shall cease to have effect ; and subject to paragraph (3) of section three of the said Act of 1928 and to subsections (1) and (2) of section eighteen of the Betting and Lotteries Act, 1934, the Totalisator Board shall apply any such moneys—

(a) in providing for the payment of rates, taxes, charges, expenses and other outgoings ;

(b) in making provision for the payment of any contribution for the time being payable by them under section six of this Act ;

(c) in making such other provision in connection with any of their functions as they think proper.

(8) In Part III of the First Schedule to the House of Commons Disqualification Act, 1957, as it applies to the House of Commons of the Parliament of the United Kingdom, the words “ Chairman of the Racecourse Betting Control Board ” are hereby repealed ; but the Totalisator Board shall not by virtue of subsection (4) of this section have power to pay remuneration to any member of the Board who, is for the time being a member of, or nominated as a candidate for election to, the House of Commons.

General

Accounts of,
and reports
by, Levy
Board and
Totalisator
Board.

8.—(1) The Levy Board and the Totalisator Board shall each keep proper accounts and proper records in relation to those accounts and prepare proper statements of account in respect of each levy period ; and the accounts of each of the Boards for each such period shall be audited by qualified auditors appointed for the purpose by the Board in question for that period.

(2) As soon as the accounts of the Totalisator Board for any levy period have been audited, that Board shall submit a copy of their statements of account and the auditor's report thereon for that period, together with a report of their proceedings during that period, to the Levy Board ; and the Levy Board shall submit to the Secretary of State a report of the proceedings during that period both of the Levy Board and of the Totalisator Board, which shall include the statements of account and the auditor's report for that period of each of the Boards ; and the Secretary of State shall cause a copy of the Levy Board's report to be laid before each House of Parliament.

(3) The Levy Board shall cause copies of any report submitted by them under the last foregoing subsection to be made and kept available at their offices for inspection by the public without charge during reasonable hours and for supply on demand to any member of the public upon payment of such reasonable charge in respect of each copy as the Board may determine.

(4) Except as respects any period falling before the date of commencement of subsection (2) of this section, paragraph (8) of section three of the Racecourse Betting Act, 1928 (which requires a report to be submitted annually by the Totalisator Board to the Secretary of State) shall cease to have effect.

(5) For the purposes of subsection (1) of this section, the expression "qualified auditor" means a person who is a member, or a firm all of the partners wherein are members, of one or more of the following bodies, that is to say—

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

9.—(1) The Totalisator Board and the Levy Board shall consult together as to whether or not, having regard to the functions which under this Act are to cease to be exercised by the Totalisator Board but are to be exercised by the Levy Board, any, and if so which, of the assets and liabilities of the Totalisator Board immediately before the date of commencement of subsection (7) of section seven of this Act should be transferred to the Levy Board ; and any question arising in any such consulta- Transitional provisions.

tions shall at the request of either of the Boards be referred to and determined by the Secretary of State.

(2) The Secretary of State may, if he thinks fit for the purposes of any such transfer as aforesaid, by order made by statutory instrument direct that on the date specified in the order such of the assets or liabilities of the Totalisator Board as are so specified shall vest in, and become assets or, as the case may be, liabilities of, the Levy Board.

(3) Without prejudice to the powers of the Totalisator Board in that behalf, the Levy Board shall have power to pay compensation to any person who, having been employed by the Totalisator Board immediately before the date of commencement of subsection (7) of section seven of this Act, has at the expiration of the period of six months beginning with that date ceased to be in, or been given notice of termination of, that employment without being offered employment by the Levy Board.

Short title,
commencement
and extent.

10.—(1) This Act may be cited as the Betting Levy Act, 1961.

(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 or different purposes of this Act.

(3) Except so far as it amends the House of Commons Disqualification Act, 1957, this Act shall not extend to Northern Ireland.

SCHEDULES

Section 3.

FIRST SCHEDULE

BOOKMAKERS' COMMITTEE

1. The Bookmakers' Committee shall be constituted in such manner as the Secretary of State may, after consultation with any body appearing to him to be representative of the interests of bookmakers generally, by regulations made by statutory instrument prescribe.

2. Provision may be made, and from time to time varied, by a scheme under this paragraph for the payment of remuneration to all or any of the members of the Bookmakers' Committee, and for the provision of secretarial and other facilities for the committee; and such a scheme—

- (a) may be made at any time by agreement between the committee and the Levy Board; or
- (b) on any occasion on which proposals for such a scheme are made by the committee or by the Levy Board but the

committee and the Board cannot agree thereon, may be made by the three persons for the time being appointed to be members of the Levy Board by the Secretary of State.

1ST SCH.

3. The Levy Board shall pay—

- (a) any amounts payable by virtue of any scheme under paragraph 2 of this Schedule ;
- (b) any other expenses incurred by the Bookmakers' Committee for the purposes of this Act with the approval, whether general or special, of the Levy Board ;
- (c) any travelling and other expenses reasonably incurred by any person as a member of the Bookmakers' Committee.

4. The Bookmakers' Committee may regulate their own procedure and make standing orders governing the conduct of their business.

5. The first meeting of the Bookmakers' Committee shall be convened by the Levy Board.

6. No act or proceeding of the Bookmakers' Committee shall be questioned on account of any vacancy in the number of the members thereof or on account of the appointment of any person as a member thereof having been defective.

SECOND SCHEDULE

APPEAL TRIBUNALS

Section 4.

1. There shall be established for the purposes of section four of this Act—

- (a) one or more appeal tribunals for England and Wales ; and
- (b) one or more appeal tribunals for Scotland ;

and an appeal under subsection (5) of the said section four shall be referred to a tribunal established for Scotland if the appellant is the holder of a bookmaker's permit which was last granted or renewed in pursuance of the Betting and Gaming Act, 1960, by an authority in Scotland.

2. Each such tribunal shall consist of a chairman and two other members of whom—

- (a) the chairman, who shall be a barrister, advocate or solicitor of not less than seven years' standing, shall be appointed by the Lord Chancellor or, in the case of a tribunal established for Scotland, by the Lord President of the Court of Session ; and
- (b) the other members shall be appointed by the Secretary of State ;

and each member of any such tribunal shall hold office in accordance with the terms of the instrument under which he was appointed.

2ND SCH.

3.—(1) The procedure of any such tribunal shall be such as the Lord Chancellor or, in the case of a tribunal established for Scotland, the Lord President of the Court of Session may by rules prescribe.

(2) Any such rules shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and the Statutory Instruments Act, 1946, shall apply to any such instrument made in pursuance of the powers conferred by the foregoing sub-paragraph on the Lord President of the Court of Session in like manner as if those powers had been conferred on a Minister of the Crown.

4. The Levy Board shall pay to the members of any such tribunal such remuneration as the Board may with the approval of the Secretary of State determine and any travelling and other expenses reasonably incurred by them as members of the tribunal.

5. The Levy Board shall provide any such tribunal with such secretarial and other facilities as may appear to the Board to be necessary or expedient, and, without prejudice to paragraph 7 of this Schedule, shall pay any expenses incurred by the tribunal for the purposes of their functions with the approval, whether general or special, of the Levy Board.

6. If any such tribunal thinks it just so to direct in allowing any appeal by a bookmaker, the Levy Board shall pay to that bookmaker such amount as the tribunal may specify towards expenses appearing to the tribunal to have been reasonably incurred by the bookmaker in connection with the appeal.

7. If any such tribunal, in dismissing any appeal by a bookmaker, or on the abandonment of any appeal after the tribunal has taken some action towards its determination, thinks it just that the bookmaker should make a payment towards expenses incurred by the tribunal in connection with the appeal, the tribunal may certify accordingly and the Levy Board shall be entitled to recover from the bookmaker as a debt due to them the amount specified in the certificate.

Table of Statutes referred to in this Act.

| Short Title | Session and Chapter |
|---|------------------------|
| Racecourse Betting Act, 1928 | 18 & 19 Geo. 5. c. 41. |
| Betting and Lotteries Act, 1934 | 24 & 25 Geo. 5. c. 58. |
| Statutory Instruments Act, 1946 | 9 & 10 Geo. 6. c. 36. |
| Companies Act, 1948 | 11 & 12 Geo. 6. c. 38. |
| House of Commons Disqualification Act, 1957 ... | 5 & 6 Eliz. 2. c. 20. |
| Betting and Gaming Act, 1960 | 8 & 9 Eliz. 2. c. 60. |

CHAPTER 18

An Act to make further provision for financial assistance for the white fish and herring industries (including advances to the White Fish Authority).

[9th May, 1961]

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 power conferred by section five of the White Fish and Herring Industries Act, 1953, to pay grants in accordance with a scheme under that section (which provides for subsidies for white fish) shall be exercisable irrespective of the size of the vessel or of the nature of the voyage; and accordingly in that section the words “not exceeding one hundred and forty feet in length and” in subsection (1) and the words from “but no such grant” to the end in subsection (2) (as set out in section two of the White Fish and Herring Industries Act, 1957) shall cease to have effect.

Extension of scope of white fish subsidy, and power to increase limit on subsidies. 1 & 2 Eliz. 2. c. 17. 5 & 6 Eliz. 2. c. 22.

(2) The power to make an order conferred by section four of the White Fish and Herring Industries Act, 1957 (which enables the Ministers referred to in that section, by order made with the approval of the Treasury and subject to approval by resolution of the Commons House of Parliament, to increase the aggregate amount of the grants made in pursuance of schemes under section five of the White Fish and Herring Industries Act, 1953, and of section three of the said Act of 1957) shall be exercisable from time to time, but no such increase made at any one time shall exceed three million pounds.

2. The limit on the amount outstanding at any time of the sums advanced to the White Fish Authority under subsection (1) of section seventeen of the Sea Fish Industry Act, 1951, as extended to Northern Ireland under section twenty of that Act, shall be increased from twenty million to twenty-five million pounds.

Increase of limit on outstanding Exchequer advances to White Fish Authority. 14 & 15 Geo. 6. c. 30.

3.—(1) Any increase attributable to this Act in the sums payable out of moneys provided by Parliament under the said Acts of 1951, 1953 and 1957 shall be defrayed out of moneys so provided.

Payments out of moneys provided by Parliament and into Exchequer.

(2) Any increase attributable to this Act in the sums payable into the Exchequer under section seventeen of the said Act of 1951 shall be paid into the Exchequer.

C*

Short title
and repeals.

4.—(1) This Act may be cited as the White Fish and Herring Industries Act, 1961.

(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

ENACTMENTS REPEALED

| Session and Chapter | Short Title | Extent of Repeal |
|---------------------------|--|--|
| 14 & 15 Geo. 6. c. 30. | The Sea Fish Industry Act, 1951. | In section seventeen, in subsection (1), the words from "so long as" to the end. |
| 1 & 2 Eliz. 2. c. 17. | The White Fish and Herring Industries Act, 1953. | In section three, subsection (2). In section five, in subsection (1) the words from "not exceeding" to "length and" and in subsection (2) the words from "but no" to the end. |
| 5 & 6 Eliz. 2. c. 22. | The White Fish and Herring Industries Act, 1957. | In section four, the words "(not exceeding twenty-four million pounds)". |
| 8 & 9 Eliz. 2. c. 7. | The Sea Fish Industry Act, 1959. | In section one, the words from "and for the words" to the end. |

CHAPTER 19

An Act to make further provision with respect to charges for the provision of dental and optical appliances and dental services under the National Health Service.

[9th May, 1961]

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, and exemptions from, charges for dental and optical appliances.

1.—(1) The authorised charges specified in the Schedule to the Act of 1951 for one denture shall each be increased by five shillings, and the maximum so specified of four pounds five shillings for more than one denture and the like maximum specified in subsection (2) of section two of the Act of 1952 (maximum charge for services some of which are chargeable under the Act of 1951) shall each be increased to five pounds.

(2) The authorised charge of ten shillings per lens (specified in the said Schedule for glasses other than children's glasses) shall be increased by two shillings and sixpence, or in the case of a bifocal or multifocal lens by ten shillings.

(3) Without prejudice to any other exemption from charges under the Acts of 1951 and 1952, no charge shall be made under section one of the Act of 1951 in respect of the supply of a dental appliance, or under section two of the Act of 1952 in respect of the relining of a denture or the addition of teeth, bands or wires to a denture, where at the relevant time the person for whom the appliance has been supplied or the work done—

(a) was under sixteen years of age or was receiving full-time school education, or

(b) was an expectant mother or had borne a child within the previous twelve months.

(4) Without prejudice to any other exemption from charges under the Act of 1951, no charge shall be made under section one of that Act for the supply of lenses for any glasses supplied under Part II or Part IV of the Act of 1946 or of the Act of 1947 if—

(a) the person for whom the glasses are supplied was at the relevant time of the age of ten or more and either under sixteen years of age or receiving full-time school education, and

(b) the frames of the glasses are of any description specified in the Statement of Fees and Charges.

(5) Regulations made with respect to any exemption under either of the two foregoing subsections may provide that it shall be a condition of the exemption that such declaration is made in such form and manner, or such certificate or other evidence is supplied in such form and manner, as may be prescribed by the regulations.

(6) In the foregoing subsection "regulations" means regulations made by statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament, by the Minister of Health as respects England and Wales or by the Secretary of State as respects Scotland.

2.—(1) The Minister of Health as respects England and Wales, and the Secretary of State as respects Scotland, may by regulations vary the amount or maximum amount of any charge authorised by section one of the Act of 1951 for any dental or optical appliance, or vary the descriptions of appliances for which any such charge is authorised, or vary the amount or maximum amount of any charge authorised by section two of the Act of 1952 (charges for dental treatment).

Variation of charges for dental and optical appliances and dental treatment.

(2) The power to vary a charge conferred by this section shall include power to direct that it shall not be payable.

(3) Subsections (6) and (7) of section seven of the Act of 1952 (which contain supplementary and consequential provisions as to regulations, and in particular provide for regulations to be subject to annulment by either House of Parliament) shall apply to regulations under this section as they apply to regulations under section one of that Act (charges for prescriptions, etc.).

(4) Section three of the Act of 1952 (which confers power to vary or abolish the charges authorised by the Act of 1951 or section two of the Act of 1952) is hereby repealed.

Interpretation. 3.—(1) In this Act—

“ Act of 1946 ” means the National Health Service Act, 1946;

“ Act of 1947 ” means the National Health Service (Scotland) Act, 1947;

“ Act of 1951 ” means the National Health Service Act, 1951;

“ Act of 1952 ” means the National Health Service Act, 1952;

“ full-time school education ” means full-time instruction in a school within the meaning of the Education Act, 1944, or the Education (Scotland) Act, 1946;

“ the relevant time ” means—

(a) in relation to a dental appliance supplied under Part II of the Act of 1946 or of the Act of 1947 or to an optical appliance supplied under Part II or Part IV thereof, the time of the examination or testing of sight leading to the supply of the appliance, or the first such examination or testing,

(b) in relation to a dental appliance supplied under Part IV of either of the said Acts, or in relation to services provided as part of the general dental services under Part IV thereof, the time of the making of the contract or arrangement in pursuance of which the appliance is supplied or services provided;

“ the Statement of Fees and Charges ” means the Statement of Fees and Charges prepared under Regulation 3 of the National Health Service (Supplementary Ophthalmic Services) Regulations, 1956, or Regulation 3 of the National Health Service (Supplementary Ophthalmic Services) (Scotland) Regulations, 1948, or any corresponding regulations for the time being in force.

(2) References in this Act to the supply of appliances include references to the replacement thereof.

4.—(1) Any increase attributable to this Act in the sums payable out of moneys provided by Parliament under the Act of 1946 or the Act of 1947 shall be defrayed out of moneys so provided. Expenses and receipts.

(2) Any increase attributable to this Act in the sums payable into the Exchequer under the Act of 1951 or the Act of 1952 shall be paid into the Exchequer.

5.—(1) This Act may be cited as the National Health Service Act, 1961. Short title, citation, commencement and extent.

(2) This Act, so far as it applies to England and Wales, and the National Health Service Acts, 1946 to 1952, may be cited together as the National Health Service Acts, 1946 to 1961; and this Act, so far as it applies to Scotland, and the National Health Service (Scotland) Acts, 1947 to 1952, may be cited together as the National Health Service (Scotland) Acts, 1947 to 1961.

(3) This Act shall come into operation seven days after the passing thereof; but no increase made or exemption granted by this Act shall affect any charge if the relevant time fell before the commencement of this Act.

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

(5) 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.

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Table of Statutes referred to in this Act

| Short Title | Session and Chapter |
|--|---------------------------------------|
| Education Act, 1944 | 7 & 8 Geo. 6. c. 31. |
| 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. |
| National Health Service Act, 1951 | 14 & 15 Geo. 6. c. 31. |
| National Health Service Act, 1952 | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 25. |

CHAPTER 20

An Act to enable certain local authorities in England and Wales to promote safety in the home and to make contributions to voluntary organisations whose activities consist of or include the promotion of safety in the home.
[18th May, 1961]

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:—

Promotion of safety in the home.

1.—(1) A local authority may promote safety in the home by publishing or making arrangements for otherwise giving information or advice relating to the prevention of accidents in the home.

(2) A local authority may make contributions to any organisation whose activities are carried on otherwise than for profit and consist of or include the promotion of safety in the home.

(3) There shall be defrayed out of moneys provided by Parliament any increase attributable to the foregoing provisions of this section in the sums payable out of moneys so provided by way of Rate-deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland.

(4) In this Act “local authority” means the council of a county district or metropolitan borough or the Common Council of the City of London.

Short title, repeal and extent.

5 & 6 Eliz. 2 c. xxxv.

2.—(1) This Act may be cited as the Home Safety Act, 1961.

(2) Section eighty-two of the London County Council (General Powers) Act, 1957, is hereby repealed.

(3) This Act does not extend to Scotland or to Northern Ireland.

CHAPTER 21

An Act to amend the law as to oaths.

[18th May, 1961]

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 Oaths Act, 1888 (which in certain cases permits persons objecting to being sworn to make a solemn affirmation instead), shall apply in relation to a person to whom it is not reasonably practicable to administer an oath in the manner appropriate to his religious belief as it applies in relation to a person objecting to being sworn on any such ground as is mentioned in section one of that Act. Making of affirmations instead of oaths.

(2) A person who may be permitted under this section to make his solemn affirmation may also be required to do so, and for the purposes of this section "reasonably practicable" means reasonably practicable without inconvenience or delay.

(3) Subsection (2) above shall apply for the purposes also of the following sections (which contain in relation to courts-martial provision similar to subsection (1) above), that is to say,—

(a) section one hundred and two of the Army Act, 1955; and
(b) section one hundred and two of the Air Force Act, 1955; and

(c) section sixty of the Naval Discipline Act, 1957;

and at the end of each of those sections there shall be added a subsection in terms of subsection (2) above.

2.—(1) This Act may be cited as the Oaths Act, 1961, and this Act and the Oaths Acts, 1888 and 1909, may be cited together as the Oaths Acts, 1888 to 1961. Short title, citation and extent.

(2) This Act (except in so far as it is applicable by virtue of subsection (2) of section eighteen of the Government of Ireland Act, 1920, and except as regards courts-martial) shall not extend to Northern Ireland.

Table of Statutes referred to in this Act

| Short Title | Session and Chapter |
|--|-----------------------|
| Oaths Act, 1888 | 51 & 52 Vict. c. 46 |
| Oaths Act, 1909 | 9 Edw. 7. c. 39 |
| Government of Ireland Act, 1920 | 10 & 11 Geo. 5. c. 67 |
| Army Act, 1955 | 3 & 4 Eliz. 2. c. 18 |
| Air Force Act, 1955 | 3 & 4 Eliz. 2. c. 19 |
| Naval Discipline Act, 1957 | 5 & 6 Eliz. 2. c. 53 |

CHAPTER 22

An Act to amend the law in relation to the exposure and possession for the purpose of sale or hire, and to the importation, of flick knives and other dangerous weapons.
[18th May, 1961]

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

1. In subsection (1) of section one of the Restriction of Offensive Weapons Act, 1959 (which subsection makes it an offence to manufacture, sell or hire or offer for sale or hire, or lend or give a flick knife or other dangerous weapon) after the words " offers for sale or hire " there shall be inserted the words " or exposes or has in his possession for the purpose of sale or hire ".

2. Notwithstanding anything in subsection (3) of section two of the Restriction of Offensive Weapons Act, 1959 (which restricts the operation of that Act to Great Britain), subsection (2) of section one of that Act (which prohibits the importation of flick knives and other knives described in subsection (1) of the said section one) shall extend to Northern Ireland.

3.—(1) This Act may be cited as the Restriction of Offensive Weapons Act, 1961.

(2) This Act and the Restriction of Offensive Weapons Act, 1959, may be cited as the Restriction of Offensive Weapons Acts, 1959 and 1961.

(3) This Act shall come into operation at the expiration of the period of one month beginning with the day on which it is passed.

CHAPTER 23

An Act to make temporary provision as to the operation of the law upon the Union of South Africa becoming a Republic outside the Commonwealth.
[18th May, 1961]

WHEREAS on the thirty-first day of May, nineteen hundred and sixty-one, the Union of South Africa will become a Republic under the name of the Republic of South Africa, and cease to be a member of the Commonwealth:

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

Prohibition of exposure and possession of dangerous weapons for sale or hire.
7 & 8 Eliz. 2. c. 37.

Prohibition of importation of dangerous weapons into Northern Ireland.

Short title, citation and commencement.

1.—(1) During the period of one year beginning with the thirty-first day of May, nineteen hundred and sixty-one, all existing law which operates as law of, or of any part of, the United Kingdom shall, unless provision to the contrary is made by an authority having power to alter that law, have the same operation in relation to the Republic of South Africa, and to persons and things in any way belonging thereto or connected therewith, as it would have had in relation to the Union of South Africa and persons and things belonging thereto and connected therewith if the Union had not become a Republic and had continued to be a member of the Commonwealth.

Operation of existing law in relation to South Africa.

(2) In this section “existing law” means any Act of Parliament or other enactment or instrument whatsoever, and any rule of law, which is in force on the said thirty-first day of May, or, having been passed or made before that date, comes into force after that date.

(3) Subsection (1) of this section shall apply in relation to existing law which operates as law of, or of any part of, Southern Rhodesia or any colony, protectorate or United Kingdom trust territory as it applies in relation to existing law which operates as law of the United Kingdom, and references in this subsection to a colony, a protectorate and a United Kingdom trust territory shall be construed as if they were references contained in the British Nationality Act, 1948:

11 & 12 Geo. 6.
c. 56.

Provided that the said subsection (1)—

- (a) shall not apply in relation to any law passed by the Federal Legislature of Rhodesia and Nyasaland;
- (b) shall apply in relation to other law of, or of any part of, Southern Rhodesia so far only as concerns law which can be amended neither by a law passed by the Legislature thereof, nor by a law passed by the said Federal Legislature; and
- (c) shall apply in relation to other law of, or of any part of, Northern Rhodesia or Nyasaland so far only as concerns law which cannot be amended by a law passed by the said Federal Legislature.

2. This Act may be cited as the Republic of South Africa (Temporary Provisions) Act, 1961.

Short title.

CHAPTER 24

An Act to amend the law relating to private street works in England and Wales. [18th May, 1961]

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 s. 189 of Highways Act, 1959.
7 & 8 Eliz. 2. c. 25.

1. In the proviso to subsection (1) of section one hundred and eighty-nine of the Highways Act, 1959 (which relates to the execution of street works in private streets under the code of 1875), after the word "owners" there shall be inserted the words "or occupiers".

Amendment as to liability of frontagers in respect of street works in part of private street.

2.—(1) Where before the commencement of the Highways Act, 1959, street works were executed under any of the relevant street works enactments with respect to a part only of a private street, being a part consisting of the whole or a part of a footway on one side only of the street, and those works were executed only by, or at the expense only of, the owners or occupiers of the premises fronting the footway or part of a footway, as the case may be, the following provisions of this section shall have effect.

38 & 39 Vict. c. 55.
55 & 56 Vict. c. 57.

In this subsection "the relevant street works enactments" means section one hundred and fifty of the Public Health Act, 1875, the Private Street Works Act, 1892, and any local Act making provision corresponding with the provisions of that section or of the said Act of 1892.

(2) Where the code of 1892 applies in the county borough or county district in which the private street is, and after the commencement of this Act the street works authority resolve under subsection (1) of section one hundred and seventy-four of the Highways Act, 1959, to execute street works with respect to any part of the street constituting or comprising the whole or a part of a footway on the side of the street other than that in which street works were executed as mentioned in the foregoing subsection, then, notwithstanding anything in the first-mentioned subsection but subject to the other provisions of the code of 1892, the expenses incurred by the authority in executing those works with respect to that footway or part of a footway shall be apportioned only between the premises fronting that footway or part, as the case may be, and references in Part IX of the Highways Act, 1959, to the premises liable to be charged with the expenses of street works under the code of 1892 shall be construed in accordance with the provisions of this subsection.

(3) Where the code of 1875 applies in the county borough or county district in which the private street is, and after the commencement of this Act the street works authority require

street works to be executed under subsection (1) of section one hundred and eighty-nine of the Highways Act, 1959, with respect to any part of the street constituting or comprising the whole or a part of a footway on the side of the street other than that in which street works were executed as mentioned in subsection (1) of this section, then, notwithstanding anything in the first-mentioned subsection, the requirement with respect to that footway or part of a footway shall be made only of the owners or occupiers of the premises fronting that footway or part, as the case may be.

(4) References in this section to a footway include references to any roadside waste, and to any channel by the side of a footway.

3.—(1) This Act may be cited as the Private Street Works Act, 1961. Short title,
interpretation,
commence-
ment and
extent.

(2) Expressions used in this Act to which meanings are assigned by the Highways Act, 1959, shall have the same meanings in this Act as in that Act.

(3) Any reference in this Act to any enactment is a reference thereto as amended by any other enactment, including this Act.

(4) This Act shall come into operation at the expiration of one month beginning with the day on which it is passed.

(5) This Act shall not extend to Scotland or Northern Ireland.

CHAPTER 25

An Act to extend to six months the period of grace for the payment of renewal fees for patents and the payment of fees for the extension of the period of copyright in registered designs, to provide a like period of grace for the making of applications for such extension, to validate certain extensions of the said period of copyright, and to provide for amending provisions of the Patents Act, 1949, relating to fees. [22nd June, 1961]

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 (5) of section twenty-two of the Patents Act, 1949 (which provides for extension by not more than three months of the prescribed period for the payment of a renewal fee) and in subsection (2) of section eight of the Registered Designs Act, 1949 (under which a fee must be paid not later than three months after the expiration of the period of copyright in a Period of
grace for
payment of
fees and for
applications.

registered design in order that that period may be extended) for the words "three months" there shall be substituted the words "six months".

(2) The like period of grace shall be available under the said subsection (2) for the making of an application for the extension of the period of copyright in a registered design as is available thereunder for the payment of the fee for the extension; and accordingly in that subsection after the words "the relevant period or" there shall be inserted the words "if such application is made and the said fee is paid".

(3) No extension purporting to have been effected under the said subsection (2) at any time before the passing of this Act shall be invalid if it would have been a valid extension had the foregoing subsection been in force at that time.

Patent fees.

2. Her Majesty may by Order in Council vary the maximum fees set out in the First Schedule to the Patents Act, 1949:

Provided that no recommendation shall be made to Her Majesty in Council to make an Order under this section unless a draft thereof has been laid before Parliament and approved by resolution of each House of Parliament.

Short title and citation.

3.—(1) This Act may be cited as the Patents and Designs (Renewals, Extensions and Fees) Act, 1961.

(2) The Patents Act, 1949, the Patents Act, 1957, section one of the Defence Contracts Act, 1958, so far as it amends the said Act of 1949, and this Act so far as it relates to patents may be cited as the Patents Acts, 1949 to 1961.

(3) The Registered Designs Act, 1949, section forty-four of the Copyright Act, 1956, section one of the Defence Contracts Act, 1958, so far as it amends the Registered Designs Act, 1949, and this Act so far as it relates to registered designs may be cited as the Registered Designs Acts, 1949 to 1961.

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Table of Statutes referred to in this Act

| Short Title | Session and Chapter |
|-------------------------------------|----------------------------|
| Patents Act, 1949 | 12, 13 & 14 Geo. 6. c. 87. |
| Registered Designs Act, 1949 | 12, 13 & 14 Geo. 6. c. 88. |
| Copyright Act, 1956 | 4 & 5 Eliz. 2. c. 74. |
| Patents Act, 1957 | 5 & 6 Eliz. 2. c. 13. |
| Defence Contracts Act, 1958 | 6 & 7 Eliz. 2. c. 38. |

CHAPTER 26

An Act to enable the Minister of Transport to secure the provision of parking facilities under Hyde Park; and for purposes connected therewith. [22nd June, 1961.]

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

1.—(1) The Minister of Transport may grant such interests in and rights over land in Hyde Park, for any term not exceeding ninety-nine years, as appear to him necessary or expedient for securing the provision of facilities for parking vehicles under the authorised area defined in subsection (2) of this section and, in connection therewith, of facilities for fuelling vehicles and such other facilities and services as are, in his opinion, commonly provided in places used mainly for accommodating vehicles by way of trade. Power to secure provision of parking facilities under Hyde Park.

(2) In this Act—

- “ the authorised area ” means the area indicated on the map as the authorised area;
- “ the inner area ” means the part of the authorised area which is indicated on the map as the inner area; and
- “ the map ” means the map laid before Parliament by the Minister of Transport on the twenty-fifth day of January, nineteen hundred and sixty-one.

2.—(1) In exercising his powers under this Act the Minister of Transport shall, subject to subsection (2) of this section, secure that— Protection of amenities.

- (a)** any surface disturbed in the carrying out of any works is after the completion of the works reinstated and made good to the satisfaction of the Minister of Works;
 - (b)** no works, when completed, protrude above the surface as reinstated;
 - (c)** no trees are felled or interfered with except with the consent of the Minister of Works.
- (2)** The Minister of Transport shall not be required to prevent—
- (a)** the provision, in the situations respectively indicated on the map, of sloping entrances and exits and of a petrol filling station;

(b) the provision, in any part of the authorised area other than the inner area, of entrances and exits for pedestrians, of protective walls and railings, or of vents and ventilation shafts.

(3) In exercising his powers under this Act the Minister of Transport shall secure the provision of such footways as appear to him required for avoiding inconvenience or danger to pedestrians and shall indicate any such footway on a map, which shall be deposited with the town clerk of the City of Westminster; and any footway so indicated shall be a highway maintainable by the council of that City.

(4) The Minister of Transport may by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make regulations for the preservation of order in the places where the facilities mentioned in section one of this Act are provided and for the prevention of abuses of those facilities; and any person who contravenes, or fails to comply with, any such regulations shall be liable on summary conviction to a fine not exceeding five pounds.

Short title.

3. This Act may be cited as the Hyde Park (Underground Parking) Act, 1961.

CHAPTER 27

Carriage by Air Act, 1961

ARRANGEMENT OF SECTIONS

Section

1. Convention to have force of law.
2. Designation of High Contracting Parties.
3. Fatal accidents.
4. Limitation of liability.
5. Time for bringing proceedings.
6. Contributory negligence.
7. Power to exclude aircraft in use for military purposes.
8. Actions against High Contracting Parties.
9. Application to British possessions, etc.
10. Application to carriage by air not governed by Convention.
11. Application to Scotland.
12. Application to Northern Ireland.
13. Application to Crown.
14. Short title, interpretation and repeals.

SCHEDULES:

- First Schedule—The Warsaw Convention with the Amendments made in it by The Hague Protocol.
 Second Schedule—Repeals.
-

An Act to give effect to the Convention concerning international carriage by air known as "the Warsaw Convention as amended at The Hague, 1955", to enable the rules contained in that Convention to be applied, with or without modification, in other cases and, in particular, to non-international carriage by air; and for connected purposes. [22nd June, 1961]

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 this section, the provisions of the Convention known as "the Warsaw Convention as amended at The Hague, 1955" as set out in the First Schedule to this Act shall, so far as they relate to the rights and liabilities of carriers, carriers' servants and agents, passengers, consignors, consignees and other persons, and subject to the provisions of this Act, have the force of law in the United Kingdom in relation to any carriage by air to which the Convention applies, irrespective of the nationality of the aircraft performing that carriage; and the Carriage by Air Act, 1932 (which gives effect to the Warsaw Convention in its original form), shall cease to have effect. Convention to have force of law.

(2) If there is any inconsistency between the text in English in Part I of the First Schedule to this Act and the text in French in Part II of that Schedule, the text in French shall prevail.

(3) This section shall come into force on such day as Her Majesty may by Order in Council certify to be the day on which the Convention comes into force as regards the United Kingdom.

(4) This section shall not apply so as to affect rights or liabilities arising out of an occurrence before the coming into force of this section.

2.—(1) Her Majesty may by Order in Council from time to time certify who are the High Contracting Parties to the Convention, in respect of what territories they are respectively parties and to what extent they have availed themselves of the provisions of the Additional Protocol at the end of the Convention as set out in the First Schedule to this Act. Designation of High Contracting Parties.

(2) Paragraph (2) of Article 40A in the First Schedule to this Act shall not be read as extending references in that Schedule to the territory of a High Contracting Party (except such as are

references to the territory of any State, whether a High Contracting Party or not) to include any territory in respect of which that High Contracting Party is not a party.

(3) An Order in Council under this section shall, except so far as it has been superseded by a subsequent Order, be conclusive evidence of the matters so certified.

(4) An Order in Council under this section may contain such transitional and other consequential provisions as appear to Her Majesty to be expedient.

Fatal accidents.

3. References in section one of the Fatal Accidents Act, 1846, as it applies in England and Wales, and in Northern Ireland, to a wrongful act, neglect or default shall include references to any occurrence which gives rise to a liability under Article 17 in the First Schedule to this Act.

Limitation of liability.

4.—(1) It is hereby declared that the limitations on liability in Article 22 in the First Schedule to this Act apply whatever the nature of the proceedings by which liability may be enforced and that, in particular—

- (a) those limitations apply where proceedings are brought by a tortfeasor to obtain a contribution from another tortfeasor, and
- (b) the limitation for each passenger in paragraph (1) of the said Article 22 applies to the aggregate liability of the carrier in all proceedings which may be brought against him under the law of any part of the United Kingdom, together with any proceedings brought against him outside the United Kingdom.

(2) A court before which proceedings are brought to enforce a liability which is limited by the said Article 22 may at any stage of the proceedings make any such order as appears to the court to be just and equitable in view of the provisions of the said Article 22, and of any other proceedings which have been, or are likely to be, commenced in the United Kingdom or elsewhere to enforce the liability in whole or in part.

(3) Without prejudice to the last foregoing subsection, a court before which proceedings are brought to enforce a liability which is limited by the said Article 22 shall, where the liability is, or may be, partly enforceable in other proceedings in the United Kingdom or elsewhere, have jurisdiction to award an amount less than the court would have awarded if the limitation applied solely to the proceedings before the court, or to make

any part of its award conditional on the result of any other proceedings.

(4) The Minister of Aviation may from time to time by order made by statutory instrument specify the respective amounts which for the purposes of the said Article 22, and in particular of paragraph (5) of that Article, are to be taken as equivalent to the sums expressed in francs which are mentioned in that Article.

(5) References in this section to the said Article 22 include, subject to any necessary modifications, references to that Article as applied by Article 25A.

5.—(1) No action against a carrier's servant or agent which arises out of damage to which the Convention relates shall, if he was acting within the scope of his employment, be brought after more than two years, reckoned from the date of arrival at the destination or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped. Time for bringing proceedings.

(2) Article 29 in the First Schedule of this Act shall not be read as applying to any proceedings for contribution between tortfeasors, but no action shall be brought by a tortfeasor to obtain a contribution from a carrier in respect of a tort to which the said Article 29 applies after the expiration of two years from the time when judgment is obtained against the person seeking to obtain the contribution.

(3) The foregoing provisions of this section and the provisions of the said Article 29 shall have effect as if references in those provisions to an action included references to an arbitration; and subsections (3) and (4) of section twenty-seven of the Limitation Act, 1939, or, in Northern Ireland, subsections (2) and (3) of section seventy-two of the Statute of Limitations (Northern Ireland), 1958 (which determine the time at which an arbitration is deemed to be commenced), shall apply for the purposes of this subsection.

6. It is hereby declared that for the purposes of Article 21 in the First Schedule to this Act the Law Reform (Contributory Negligence) Act, 1945 (including that Act as applied to Scotland), and section two of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland), 1948, are provisions of the law of the United Kingdom under which a court may exonerate the carrier wholly or partly from his liability. Contributory negligence.

7.—(1) Her Majesty may from time to time by Order in Council direct that this section shall apply, or shall cease to apply, to the United Kingdom or any other State specified in the Order. Power to exclude aircraft in use for military purposes.

(2) The Convention as set out in the First Schedule to this Act shall not apply to the carriage of persons, cargo and baggage for the military authorities of a State to which this section applies in aircraft registered in that State if the whole capacity of the aircraft has been reserved by or on behalf of those authorities.

**Actions
against High
Contracting
Parties.**

8. Every High Contracting Party to the Convention who has not availed himself of the provisions of the Additional Protocol at the end of the Convention as set out in the First Schedule to this Act shall, for the purposes of any action brought in a court in the United Kingdom in accordance with the provisions of Article 28 in the said Schedule to enforce a claim in respect of carriage undertaken by him, be deemed to have submitted to the jurisdiction of that court, and accordingly rules of court may provide for the manner in which any such action is to be commenced and carried on ; but nothing in this section shall authorise the issue of execution against the property of any High Contracting Party.

**Application
to British
possessions,
etc.**

9.—(1) Her Majesty may by Order in Council direct that this Act shall extend, subject to such exceptions, adaptations and modifications as may be specified in the Order, to—

- (a) the Isle of Man ;
- (b) any of the Channel Islands ;
- (c) any colony or protectorate, protected state or United Kingdom trust territory.

The references in this subsection to a protectorate, to a protected state and to a United Kingdom trust territory shall be construed as if they were references contained in the British Nationality Act, 1948.

(2) An Order in Council under this section may contain such transitional and other consequential provisions as appear to Her Majesty to be expedient, and may be varied or revoked by a subsequent Order in Council.

**Application
to carriage
by air not
governed by
Convention.**

10.—(1) Her Majesty may by Order in Council apply the First Schedule to this Act, together with any other provisions of this Act, to carriage by air, not being carriage by air to which the Convention applies, of such descriptions as may be specified in the Order, subject to such exceptions, adaptations and modifications, if any, as may be so specified.

(2) An Order in Council under this section may be made to apply to any of the countries or places mentioned in paragraphs (a), (b) and (c) of subsection (1) of the last foregoing section.

(3) An Order in Council under this section may contain such transitional and other consequential provisions as appear to Her Majesty to be expedient, and may confer any functions under the Order on a Minister of the Crown in the United Kingdom or on any Governor or other authority in any of the countries or places mentioned in paragraphs (a), (b) and (c) of subsection (1) of the last foregoing section, including a power to grant exemptions from any requirements imposed by such an Order.

(4) An Order in Council under this section may be varied or revoked by a subsequent Order in Council.

(5) An Order in Council under this section shall not be made unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament:

Provided that this subsection shall not apply to an Order which applies only to the Isle of Man or all or any of the Channel Islands.

11. In the application of this Act to Scotland—

**Application
to Scotland.**

(a) there shall be substituted—

(i) for any reference to a tort, a reference to a wrongful act or a negligent act or omission;

(ii) for any reference to a tortfeasor, a reference to a person who has been or might be held liable for loss or damage arising from any such act or omission;

(iii) for any reference to the obtaining of judgment, a reference to the pronouncing of decree;

(iv) for any reference to the issuing of execution, a reference to the execution of diligence;

(v) for any reference to an arbitrator, a reference to an arbiter; and

(vi) for any reference to a plaintiff, a reference to a pursuer;

(b) for section three there shall be substituted the following section—

**“Fatal
accidents.**

3. The reference in Article 17 in the First Schedule to this Act to the liability of a carrier for damage sustained in the event of the death of a passenger shall be construed as including liability to such persons as are entitled, apart from this Act, to sue the carrier (whether for patrimonial damage or solatium or both) in respect of the death.”;

- (c) in section five, subsection (1) shall have effect notwithstanding anything in section six of the Law Reform (Limitation of Actions, &c.) Act, 1954; and in subsection (3), for the words from “and subsections (3) and (4)” to the end of the subsection there shall be substituted the words “and for the purpose of this subsection an arbitration shall be deemed to be commenced when one party to the arbitration serves on the other party or parties a notice requiring him or them to appoint an arbiter or to agree to the appointment of an arbiter, or, where the arbitration agreement provides that the reference shall be to a person named or designated in the agreement, requiring him or them to submit the dispute to the person so named or designated.”

**Application
to Northern
Ireland.**

12. In the application of this Act to Northern Ireland any reference to an enactment of the Parliament of Northern Ireland, or to an enactment which that Parliament has power to amend, shall be construed as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament passed after this Act and re-enacting the said enactment with or without modification.

**Application
to Crown.**

13. This Act shall bind the Crown.

**Short title,
interpretation
and repeals.**

14.—(1) This Act may be cited as the Carriage by Air Act, 1961.

(2) In this Act the expression “court” includes (in an arbitration allowed by the Convention) an arbitrator.

(3) On the date on which section one of this Act comes into force the Acts specified in the Second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule:

Provided that, without prejudice to section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), this subsection shall not affect any rights or liabilities arising out of an occurrence before that date.

SCHEDULES

FIRST SCHEDULE

Section 1.

THE WARSAW CONVENTION WITH THE AMENDMENTS MADE IN IT BY THE HAGUE PROTOCOL

PART I

THE ENGLISH TEXT

CONVENTION

FOR THE UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR

CHAPTER I

SCOPE—DEFINITIONS

Article 1

(1) This Convention applies to all international carriage of persons, baggage or cargo performed by aircraft for reward. It applies equally to gratuitous carriage by aircraft performed by an air transport undertaking.

(2) For the purposes of this Convention, the expression *international carriage* means any carriage in which, according to the agreement between the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a transshipment, are situated either within the territories of two High Contracting Parties or within the territory of a single High Contracting Party if there is an agreed stopping place within the territory of another State, even if that State is not a High Contracting Party. Carriage between two points within the territory of a single High Contracting Party without an agreed stopping place within the territory of another State is not international carriage for the purposes of this Convention.

(3) Carriage to be performed by several successive air carriers is deemed, for the purposes of this Convention, to be one undivided carriage if it has been regarded by the parties as a single operation, whether it had been agreed upon under the form of a single contract or of a series of contracts, and it does not lose its international character merely because one contract or a series of contracts is to be performed entirely within the territory of the same State.

Article 2

(1) This Convention applies to carriage performed by the State or by legally constituted public bodies provided it falls within the conditions laid down in Article 1.

(2) This Convention shall not apply to carriage of mail and postal packages.

CHAPTER II

DOCUMENTS OF CARRIAGE

SECTION 1.—PASSENGER TICKET

Article 3

(1) In respect of the carriage of passengers a ticket shall be delivered containing:

(a) an indication of the places of departure and destination;

1st SCH.

- (b) if the places of departure and destination are within the territory of a single High Contracting Party, one or more agreed stopping places being within the territory of another State, an indication of at least one such stopping place ;
- (c) a notice to the effect that, if the passenger's journey involves an ultimate destination or stop in a country other than the country of departure, the Warsaw Convention may be applicable and that the Convention governs and in most cases limits the liability of carriers for death or personal injury and in respect of loss of or damage to baggage.

(2) The passenger ticket shall constitute *prima facie* evidence of the conclusion and conditions of the contract of carriage. The absence, irregularity or loss of the passenger ticket does not affect the existence or the validity of the contract of carriage which shall, none the less, be subject to the rules of this Convention. Nevertheless, if, with the consent of the carrier, the passenger embarks without a passenger ticket having been delivered, or if the ticket does not include the notice required by paragraph (1) (c) of this Article, the carrier shall not be entitled to avail himself of the provisions of Article 22.

SECTION 2—BAGGAGE CHECK

Article 4

(1) In respect of the carriage of registered baggage, a baggage check shall be delivered, which, unless combined with or incorporated in a passenger ticket which complies with the provisions of Article 3, paragraph (1), shall contain :

- (a) an indication of the places of departure and destination ;
- (b) if the places of departure and destination are within the territory of a single High Contracting Party, one or more agreed stopping places being within the territory of another State, an indication of at least one such stopping place ;
- (c) a notice to the effect that, if the carriage involves an ultimate destination or stop in a country other than the country of departure, the Warsaw Convention may be applicable and that the Convention governs and in most cases limits the liability of carriers in respect of loss of or damage to baggage.

(2) The baggage check shall constitute *prima facie* evidence of the registration of the baggage and of the conditions of the contract of carriage. The absence, irregularity or loss of the baggage check does not affect the existence or the validity of the contract of carriage which shall, none the less, be subject to the rules of this Convention. Nevertheless, if the carrier takes charge of the baggage without a baggage check having been delivered or if the baggage check (unless combined with or incorporated in the passenger ticket which complies with the provisions of Article 3, paragraph (1) (c)) does not include the notice required by paragraph (1) (c) of this Article, he shall not be entitled to avail himself of the provisions of Article 22, paragraph (2).

SECTION 3.—AIR WAYBILL

1ST SCH.

Article 5

(1) Every carrier of cargo has the right to require the consignor to make out and hand over to him a document called an "air waybill"; every consignor has the right to require the carrier to accept this document.

(2) The absence, irregularity or loss of this document does not affect the existence or the validity of the contract of carriage which shall, subject to the provisions of Article 9, be none the less governed by the rules of this Convention.

Article 6

(1) The air waybill shall be made out by the consignor in three original parts and be handed over with the cargo.

(2) The first part shall be marked "for the carrier," and shall be signed by the consignor. The second part shall be marked "for the consignee"; it shall be signed by the consignor and by the carrier and shall accompany the cargo. The third part shall be signed by the carrier and handed by him to the consignor after the cargo has been accepted.

(3) The carrier shall sign prior to the loading of the cargo on board the aircraft.

(4) The signature of the carrier may be stamped; that of the consignor may be printed or stamped.

(5) If, at the request of the consignor, the carrier makes out the air waybill, he shall be deemed, subject to proof to the contrary, to have done so on behalf of the consignor.

Article 7

The carrier of cargo has the right to require the consignor to make out separate waybills when there is more than one package.

Article 8

The air waybill shall contain:

- (a) an indication of the places of departure and destination;
- (b) if the places of departure and destination are within the territory of a single High Contracting Party, one or more agreed stopping places being within the territory of another State, an indication of at least one such stopping place;
- (c) a notice to the consignor to the effect that, if the carriage involves an ultimate destination or stop in a country other than the country of departure, the Warsaw Convention may be applicable and that the Convention governs and in most cases limits the liability of carriers in respect of loss of or damage to cargo.

Article 9

If, with the consent of the carrier, cargo is loaded on board the aircraft without an air waybill having been made out, or if the air waybill does not include the notice required by Article 8, paragraph (c), the carrier shall not be entitled to avail himself of the provisions of Article 22, paragraph (2).

1ST SCH.

Article 10

(1) The consignor is responsible for the correctness of the particulars and statements relating to the cargo which he inserts in the air waybill.

(2) The consignor shall indemnify the carrier against all damage suffered by him, or by any other person to whom the carrier is liable, by reason of the irregularity, incorrectness or incompleteness of the particulars and statements furnished by the consignor.

Article 11

(1) The air waybill is *prima facie* evidence of the conclusion of the contract, of the receipt of the cargo and of the conditions of carriage.

(2) The statements in the air waybill relating to the weight, dimensions and packing of the cargo, as well as those relating to the number of packages, are *prima facie* evidence of the facts stated; those relating to the quantity, volume and condition of the cargo do not constitute evidence against the carrier except so far as they both have been, and are stated in the air waybill to have been, checked by him in the presence of the consignor, or relate to the apparent condition of the cargo.

Article 12

(1) Subject to his liability to carry out all his obligations under the contract of carriage, the consignor has the right to dispose of the cargo by withdrawing it at the aerodrome of departure or destination, or by stopping it in the course of the journey on any landing, or by calling for it to be delivered at the place of destination or in the course of the journey to a person other than the consignee named in the air waybill, or by requiring it to be returned to the aerodrome of departure. He must not exercise this right of disposition in such a way as to prejudice the carrier or other consignors and he must repay any expenses occasioned by the exercise of this right.

(2) If it is impossible to carry out the orders of the consignor the carrier must so inform him forthwith.

(3) If the carrier obeys the orders of the consignor for the disposition of the cargo without requiring the production of the part of the air waybill delivered to the latter, he will be liable, without prejudice to his right of recovery from the consignor, for any damage which may be caused thereby to any person who is lawfully in possession of that part of the air waybill.

(4) The right conferred on the consignor ceases at the moment when that of the consignee begins in accordance with Article 13. Nevertheless, if the consignee declines to accept the waybill or the cargo, or if he cannot be communicated with, the consignor resumes his right of disposition.

Article 13

(1) Except in the circumstances set out in the preceding Article, the consignee is entitled, on arrival of the cargo at the place of destination, to require the carrier to hand over to him the air waybill and to deliver the cargo to him, on payment of the charges due

and on complying with the conditions of carriage set out in the air waybill. 1st Sch

(2) Unless it is otherwise agreed, it is the duty of the carrier to give notice to the consignee as soon as the cargo arrives.

(3) If the carrier admits the loss of the cargo, or if the cargo has not arrived at the expiration of seven days after the date on which it ought to have arrived, the consignee is entitled to put into force against the carrier the rights which flow from the contract of carriage.

Article 14

The consignor and the consignee can respectively enforce all the rights given them by Articles 12 and 13, each in his own name, whether he is acting in his own interest or in the interest of another, provided that he carries out the obligations imposed by the contract.

Article 15

(1) Articles 12, 13 and 14 do not affect either the relations of the consignor or the consignee with each other or the mutual relations of third parties whose rights are derived either from the consignor or from the consignee.

(2) The provisions of Articles 12, 13 and 14 can only be varied by express provision in the air waybill.

(3) Nothing in this Convention prevents the issue of a negotiable air waybill.

Article 16

(1) The consignor must furnish such information and attach to the air waybill such documents as are necessary to meet the formalities of customs, octroi or police before the cargo can be delivered to the consignee. The consignor is liable to the carrier for any damage occasioned by the absence, insufficiency or irregularity of any such information or documents, unless the damage is due to the fault of the carrier or his servants or agents.

(2) The carrier is under no obligation to enquire into the correctness or sufficiency of such information or documents.

CHAPTER III

LIABILITY OF THE CARRIER

Article 17

The carrier is liable for damage sustained in the event of the death or wounding of a passenger or any other bodily injury suffered by a passenger, if the accident which caused the damage so sustained took place on board the aircraft or in the course of any of the operations of embarking or disembarking.

Article 18

(1) The carrier is liable for damage sustained in the event of the destruction or loss of, or of damage to, any registered baggage or any cargo, if the occurrence which caused the damage so sustained took place during the carriage by air.

1st Sch.

(2) The carriage by air within the meaning of the preceding paragraph comprises the period during which the baggage or cargo is in charge of the carrier, whether in an aerodrome or on board an aircraft, or, in the case of a landing outside an aerodrome, in any place whatsoever.

(3) The period of the carriage by air does not extend to any carriage by land, by sea or by river performed outside an aerodrome. If, however, such a carriage takes place in the performance of a contract for carriage by air, for the purpose of loading, delivery or transshipment, any damage is presumed, subject to proof to the contrary, to have been the result of an event which took place during the carriage by air.

Article 19

The carrier is liable for damage occasioned by delay in the carriage by air of passengers, baggage or cargo.

Article 20

The carrier is not liable if he proves that he and his servants or agents have taken all necessary measures to avoid the damage or that it was impossible for him or them to take such measures.

Article 21

If the carrier proves that the damage was caused by or contributed to by the negligence of the injured person the court may, in accordance with the provisions of its own law, exonerate the carrier wholly or partly from his liability.

Article 22

(1) In the carriage of persons the liability of the carrier for each passenger is limited to the sum of two hundred and fifty thousand francs. Where, in accordance with the law of the court seised of the case, damages may be awarded in the form of periodical payments the equivalent capital value of the said payments shall not exceed two hundred and fifty thousand francs. Nevertheless, by special contract, the carrier and the passenger may agree to a higher limit of liability.

(2)—(a) In the carriage of registered baggage and of cargo, the liability of the carrier is limited to a sum of two hundred and fifty francs per kilogramme, unless the passenger or consignor has made, at the time when the package was handed over to the carrier, a special declaration of interest in delivery at destination and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the declared sum, unless he proves that that sum is greater than the passenger's or consignor's actual interest in delivery at destination.

(b) In the case of loss, damage or delay of part of registered baggage or cargo, or of any object contained therein, the weight to be taken into consideration in determining the amount to which the carrier's liability is limited shall be only the total weight of the package or packages concerned. Nevertheless, when the loss, damage or delay of a part of the registered baggage or cargo, or of an

object contained therein, affects the value of other packages covered by the same baggage check or the same air waybill, the total weight of such package or packages shall also be taken into consideration in determining the limit of liability.

(3) As regards objects of which the passenger takes charge himself the liability of the carrier is limited to five thousand francs per passenger.

(4) The limits prescribed in this Article shall not prevent the court from awarding, in accordance with its own law, in addition, the whole or part of the court costs and of the other expenses of the litigation incurred by the plaintiff. The foregoing provision shall not apply if the amount of the damages awarded, excluding court costs and other expenses of the litigation, does not exceed the sum which the carrier has offered in writing to the plaintiff within a period of six months from the date of the occurrence causing the damage, or before the commencement of the action, if that is later.

(5) The sums mentioned in francs in this Article shall be deemed to refer to a currency unit consisting of sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. These sums may be converted into national currencies in round figures. Conversion of the sums into national currencies other than gold shall, in case of judicial proceedings, be made according to the gold value of such currencies at the date of the judgment.

Article 23

(1) Any provision tending to relieve the carrier of liability or to fix a lower limit than that which is laid down in this Convention shall be null and void, but the nullity of any such provision does not involve the nullity of the whole contract, which shall remain subject to the provisions of this Convention.

(2) Paragraph (1) of this Article shall not apply to provisions governing loss or damage resulting from the inherent defect, quality or vice of the cargo carried.

Article 24

(1) In the cases covered by Articles 18 and 19 any action for damages, however founded, can only be brought subject to the conditions and limits set out in this Convention.

(2) In the cases covered by Article 17 the provisions of the preceding paragraph also apply, without prejudice to the questions as to who are the persons who have the right to bring suit and what are their respective rights.

Article 25

The limits of liability specified in Article 22 shall not apply if it is proved that the damage resulted from an act or omission of the carrier, his servants or agents, done with intent to cause damage or recklessly and with knowledge that damage would probably result; provided that, in the case of such act or omission of a servant or agent, it is also proved that he was acting within the scope of his employment.

1ST SCH.

Article 25A

(1) If an action is brought against a servant or agent of the carrier arising out of damage to which this Convention relates, such servant or agent, if he proves that he acted within the scope of his employment, shall be entitled to avail himself of the limits of liability which that carrier himself is entitled to invoke under Article 22.

(2) The aggregate of the amounts recoverable from the carrier, his servants and agents, in that case, shall not exceed the said limits.

(3) The provisions of paragraphs (1) and (2) of this Article shall not apply if it is proved that the damage resulted from an act or omission of the servant or agent done with intent to cause damage or recklessly and with knowledge that damage would probably result.

Article 26

(1) Receipt by the person entitled to delivery of baggage or cargo without complaint is *prima facie* evidence that the same has been delivered in good condition and in accordance with the document of carriage.

(2) In the case of damage, the person entitled to delivery must complain to the carrier forthwith after the discovery of the damage, and, at the latest, within seven days from the date of receipt in the case of baggage and fourteen days from the date of receipt in the case of cargo. In the case of delay the complaint must be made at the latest within twenty-one days from the date on which the baggage or cargo have been placed at his disposal.

(3) Every complaint must be made in writing upon the document of carriage or by separate notice in writing despatched within the times aforesaid.

(4) Failing complaint within the times aforesaid, no action shall lie against the carrier, save in the case of fraud on his part.

Article 27

In the case of the death of the person liable, an action for damages lies in accordance with the terms of this Convention against those legally representing his estate.

Article 28

(1) An action for damages must be brought, at the option of the plaintiff, in the territory of one of the High Contracting Parties, either before the court having jurisdiction where the carrier is ordinarily resident, or has his principal place of business, or has an establishment by which the contract has been made or before the court having jurisdiction at the place of destination.

(2) Questions of procedure shall be governed by the law of the court seised of the case.

Article 29

(1) The right to damages shall be extinguished if an action is not brought within two years, reckoned from the date of arrival at the destination, or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped.

(2) The method of calculating the period of limitation shall be determined by the law of the court seised of the case.

Article 30

1ST SCH.

(1) In the case of carriage to be performed by various successive carriers and falling within the definition set out in the third paragraph of Article 1, each carrier who accepts passengers, baggage or cargo is subjected to the rules set out in this Convention, and is deemed to be one of the contracting parties to the contract of carriage in so far as the contract deals with that part of the carriage which is performed under his supervision.

(2) In the case of carriage of this nature, the passenger or his representative can take action only against the carrier who performed the carriage during which the accident or the delay occurred, save in the case where, by express agreement, the first carrier has assumed liability for the whole journey.

(3) As regards baggage or cargo, the passenger or consignor will have a right of action against the first carrier, and the passenger or consignee who is entitled to delivery will have a right of action against the last carrier, and further, each may take action against the carrier who performed the carriage during which the destruction, loss, damage or delay took place. These carriers will be jointly and severally liable to the passenger or to the consignor or consignee.

CHAPTER IV

PROVISIONS RELATING TO COMBINED CARRIAGE

Article 31

(1) In the case of combined carriage performed partly by air and partly by any other mode of carriage, the provisions of this Convention apply only to the carriage by air, provided that the carriage by air falls within the terms of Article 1.

(2) Nothing in this Convention shall prevent the parties in the case of combined carriage from inserting in the document of air carriage conditions relating to other modes of carriage, provided that the provisions of this Convention are observed as regards the carriage by air.

CHAPTER V

GENERAL AND FINAL PROVISIONS

Article 32

Any clause contained in the contract and all special agreements entered into before the damage occurred by which the parties purport to infringe the rules laid down by this Convention, whether by deciding the law to be applied, or by altering the rules as to jurisdiction, shall be null and void. Nevertheless for the carriage of cargo arbitration clauses are allowed, subject to this Convention, if the arbitration is to take place within one of the jurisdictions referred to in the first paragraph of Article 28.

1ST SCH.

Article 33

Nothing contained in this Convention shall prevent the carrier either from refusing to enter into any contract of carriage, or from making regulations which do not conflict with the provisions of this Convention.

Article 34

The provisions of Articles 3 to 9 inclusive relating to documents of carriage shall not apply in the case of carriage performed in extraordinary circumstances outside the normal scope of an air carrier's business.

Article 35

The expression "days" when used in this Convention means current days not working days.

Article 36

The Convention is drawn up in French in a single copy which shall remain deposited in the archives of the Ministry for Foreign Affairs of Poland and of which one duly certified copy shall be sent by the Polish Government to the Government of each of the High Contracting Parties.

Article 40A

(1) [*This paragraph is not reproduced. It defines "High Contracting Party".*]

(2) For the purposes of the Convention the word *territory* means not only the metropolitan territory of a State but also all other territories for the foreign relations of which that State is responsible.

[*Articles 37, 38, 39, 40 and 41 and the concluding words of the Convention are not reproduced. They deal with the coming into force of the Convention.*]

ADDITIONAL PROTOCOL

(*With reference to Article 2*)

The High Contracting Parties reserve to themselves the right to declare at the time of ratification or of accession that the first paragraph of Article 2 of this Convention shall not apply to international carriage by air performed directly by the State, its colonies, protectorates or mandated territories or by any other territory under its sovereignty, suzerainty or authority.

PART II
THE FRENCH TEXT

1st Sch.

CONVENTION

POUR L'UNIFICATION DE CERTAINES REGLES RELATIVES
AU TRANSPORT AERIEN INTERNATIONALCHAPITRE I^{er}

OBJET—DÉFINITIONS

Article 1^{er}

(1) La présente Convention s'applique à tout transport international de personnes, bagages ou marchandises, effectué par aéronef contre rémunération. Elle s'applique également aux transports gratuits effectués par aéronef par une entreprise de transports aériens.

(2) Est qualifié *transport international*, au sens de la présente Convention, tout transport dans lequel, d'après les stipulations des parties, le point de départ et le point de destination, qu'il y ait ou non interruption de transport ou transbordement, sont situés soit sur le territoire de deux Hautes Parties Contractantes, soit sur le territoire d'une seule Haute Partie Contractante si une escale est prévue sur le territoire d'un autre Etat, même si cet Etat n'est pas une Haute Partie Contractante. Le transport sans une telle escale entre deux points du territoire d'une seule Haute Partie Contractante n'est pas considéré comme international au sens de la présente Convention.

(3) Le transport à exécuter par plusieurs transporteurs par air successifs est censé constituer pour l'application de la présente Convention un transport unique lorsqu'il a été envisagé par les parties comme une seule opération, qu'il ait été conclu sous la forme d'un seul contrat ou d'une série de contrats, et il ne perd pas son caractère international par le fait qu'un seul contrat ou une série de contrats doivent être exécutés intégralement dans le territoire d'un même Etat.

Article 2

(1) La Convention s'applique aux transports effectués par l'Etat ou les autres personnes juridiques de droit public, dans les conditions prévues à l'article 1^{er}.

(2) La présente Convention ne s'applique pas au transport du courrier et des colis postaux.

CHAPITRE II

TITRE DE TRANSPORT

SECTION 1.—BILLET DE PASSAGE

Article 3

(1) Dans le transport de passagers, un billet de passage doit être délivré, contenant :

(a) l'indication des points de départ et de destination ;

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- (b) si les points de départ et de destination sont situés sur le territoire d'une même Haute Partie Contractante et qu'une ou plusieurs escales soient prévues sur le territoire d'un autre Etat, l'indication d'une de ces escales ;
- (c) un avis indiquant que si les passagers entreprennent un voyage comportant une destination finale ou une escale dans un pays autre que le pays de départ, leur transport peut être régi par la Convention de Varsovie qui, en général, limite la responsabilité du transporteur en cas de mort ou de lésion corporelle, ainsi qu'en cas de perte ou d'avarie des bagages.

(2) Le billet de passage fait foi, jusqu'à preuve contraire, de la conclusion et des conditions du contrat de transport. L'absence, l'irrégularité ou la perte du billet n'affecte ni l'existence ni la validité du contrat de transport, qui n'en sera pas moins soumis aux règles de la présente Convention. Toutefois, si, du consentement du transporteur, le passager s'embarque sans qu'un billet de passage ait été délivré, ou si le billet ne comporte pas l'avis prescrit à l'alinéa 1 (c) du présent article, le transporteur n'aura pas le droit de se prévaloir des dispositions de l'article 22.

SECTION 2.—BULLETIN DE BAGAGES

Article 4

(1) Dans le transport de bagages enregistrés, un bulletin de bagages doit être délivré qui, s'il n'est pas combiné avec un billet de passage conforme aux dispositions de l'article 3, alinéa 1^{er}, ou n'est pas inclus dans un tel billet, doit contenir :

- (a) l'indication des points de départ et de destination ;
- (b) si les points de départ et de destination sont situés sur le territoire d'une même Haute Partie Contractante et qu'une ou plusieurs escales soient prévues sur le territoire d'un autre Etat, l'indication d'une de ces escales ;
- (c) un avis indiquant que, si le transport comporte une destination finale ou une escale dans un pays autre que le pays de départ, il peut être régi par la Convention de Varsovie qui, en général, limite la responsabilité du transporteur en cas de perte ou d'avarie des bagages.

(2) Le bulletin de bagages fait foi, jusqu'à preuve contraire, de l'enregistrement des bagages et des conditions du contrat de transport. L'absence, l'irrégularité ou la perte du bulletin n'affecte ni l'existence ni la validité du contrat de transport, qui n'en sera pas moins soumis aux règles de la présente Convention. Toutefois, si le transporteur accepte la garde des bagages sans qu'un bulletin ait été délivré ou si, dans le cas où le bulletin n'est pas combiné avec un billet de passage conforme aux dispositions de l'article 3, alinéa 1 (c), ou n'est pas inclus dans un tel billet, il ne comporte pas l'avis prescrit à l'alinéa 1 (c) du présent article, le transporteur n'aura pas le droit de se prévaloir des dispositions de l'article 22, alinéa 2.

SECTION 3.—LETTRE DE TRANSPORT AÉRIEN

1ST SCH.

Article 5

(1) Tout transporteur de marchandises a le droit de demander à l'expéditeur l'établissement et la remise d'un titre appelé: "lettre de transport aérien"; tout expéditeur a le droit de demander au transporteur l'acceptation de ce document.

(2) Toutefois, l'absence, l'irrégularité ou la perte de ce titre n'affecte ni l'existence, ni la validité du contrat de transport qui n'en sera pas moins soumis aux règles de la présente Convention, sous réserve des dispositions de l'article 9.

Article 6

(1) La lettre de transport aérien est établie par l'expéditeur en trois exemplaires originaux et remise avec la marchandise.

(2) Le premier exemplaire porte la mention "pour le transporteur"; il est signé par l'expéditeur. Le deuxième exemplaire porte la mention "pour le destinataire"; il est signé par l'expéditeur et le transporteur et il accompagne la marchandise. Le troisième exemplaire est signé par le transporteur et remis par lui à l'expéditeur après acceptation de la marchandise.

(3) La signature du transporteur doit être apposée avant l'embarquement de la marchandise à bord de l'aéronef.

(4) La signature du transporteur peut être remplacée par un timbre; celle de l'expéditeur peut être imprimée ou remplacée par un timbre.

(5) Si, à la demande de l'expéditeur, le transporteur établit la lettre de transport aérien, il est considéré, jusqu'à preuve contraire, comme agissant pour le compte de l'expéditeur.

Article 7

Le transporteur de marchandises a le droit de demander à l'expéditeur l'établissement de lettres de transport aérien différentes lorsqu'il y a plusieurs colis.

Article 8

La lettre de transport aérien doit contenir:

- (a) l'indication des points de départ et de destination;
- (b) si les points de départ et de destination sont situés sur le territoire d'une même Haute Partie Contractante et qu'une ou plusieurs escales soient prévues sur le territoire d'un autre Etat, l'indication d'une de ces escales;
- (c) un avis indiquant aux expéditeurs que, si le transport comporte une destination finale ou une escale dans un pays autre que le pays de départ, il peut être régi par la Convention de Varsovie qui, en général, limite la responsabilité des transporteurs en cas de perte ou d'avarie des marchandises.

Article 9

Si, du consentement du transporteur, des marchandises sont embarquées à bord de l'aéronef sans qu'une lettre de transport aérien ait été établie ou si celle-ci ne comporte pas l'avis prescrit à l'article 8, alinéa (c), le transporteur n'aura pas le droit de se prévaloir des dispositions de l'article 22, alinéa 2.

D*

1ST SCH.

Article 10

(1) L'expéditeur est responsable de l'exactitude des indications et déclarations concernant la marchandise qu'il inscrit dans la lettre de transport aérien.

(2) Il supportera la responsabilité de tout dommage subi par le transporteur ou par toute autre personne à l'égard de laquelle la responsabilité du transporteur est engagée à raison de ses indications et déclarations irrégulières, inexactes ou incomplètes.

Article 11

(1) La lettre de transport aérien fait foi, jusqu'à preuve contraire, de la conclusion du contrat, de la réception de la marchandise et des conditions du transport.

(2) Les énonciations de la lettre de transport aérien, relatives au poids, aux dimensions et à l'emballage de la marchandise ainsi qu'au nombre des colis, font foi jusqu'à preuve contraire ; celles relatives à la quantité, au volume et à l'état de la marchandise ne font preuve contre le transporteur qu'autant que la vérification en a été faite par lui en présence de l'expéditeur, et constatée sur la lettre de transport aérien, ou qu'il s'agit d'énonciations relatives à l'état apparent de la marchandise.

Article 12

(1) L'expéditeur a le droit, sous la condition d'exécuter toutes les obligations résultant du contrat de transport, de disposer de la marchandise, soit en la retirant à l'aérodrome de départ ou de destination, soit en l'arrêtant en cours de route lors d'un atterrissage, soit en la faisant délivrer au lieu de destination ou en cours de route à une personne autre que le destinataire indiqué sur la lettre de transport aérien, soit en demandant son retour à l'aérodrome de départ, pour autant que l'exercice de ce droit ne porte préjudice ni au transporteur, ni aux autres expéditeurs et avec l'obligation de rembourser les frais qui en résultent.

(2) Dans le cas où l'exécution des ordres de l'expéditeur est impossible, le transporteur doit l'en aviser immédiatement.

(3) Si le transporteur se conforme aux ordres de disposition de l'expéditeur, sans exiger la production de l'exemplaire de la lettre de transport aérien délivré à celui-ci, il sera responsable, sauf son recours contre l'expéditeur, du préjudice qui pourrait être causé par ce fait à celui qui est régulièrement en possession de la lettre de transport aérien.

(4) Le droit de l'expéditeur cesse au moment où celui du destinataire commence, conformément à l'article 13 ci-dessous. Toutefois, si le destinataire refuse la lettre de transport ou la marchandise, ou s'il ne peut être atteint, l'expéditeur reprend son droit de disposition.

Article 13

(1) Sauf dans les cas indiqués à l'article précédent, le destinataire a le droit, dès l'arrivée de la marchandise au point de destination, de demander au transporteur de lui remettre la lettre de transport aérien et de lui livrer la marchandise contre le paiement du montant

des créances et contre l'exécution des conditions de transport indiquées dans la lettre de transport aérien.

1ST SCH.

(2) Sauf stipulation contraire, le transporteur doit aviser le destinataire dès l'arrivée de la marchandise.

(3) Si la perte de la marchandise est reconnue par le transporteur ou si, à l'expiration d'un délai de sept jours après qu'elle aurait dû arriver, la marchandise n'est pas arrivée, le destinataire est autorisé à faire valoir vis-à-vis du transporteur les droits résultant du contrat de transport.

Article 14

L'expéditeur et le destinataire peuvent faire valoir tous les droits qui leur sont respectivement conférés par les articles 12 et 13, chacun en son propre nom, qu'il agisse dans son propre intérêt ou dans l'intérêt d'autrui, à condition d'exécuter les obligations que le contrat impose.

Article 15

(1) Les articles 12, 13 et 14 ne portent aucun préjudice ni aux rapports de l'expéditeur et du destinataire entre eux, ni aux rapports des tiers dont les droits proviennent, soit de l'expéditeur, soit du destinataire.

(2) Toute clause dérogeant aux stipulations des articles 12, 13 et 14 doit être inscrite dans la lettre de transport aérien.

(3) Rien dans la présente Convention n'empêche l'établissement d'une lettre de transport aérien négociable.

Article 16

(1) L'expéditeur est tenu de fournir les renseignements et de joindre à la lettre de transport aérien les documents qui, avant la remise de la marchandise au destinataire, sont nécessaires à l'accomplissement des formalités de douane, d'octroi ou de police. L'expéditeur est responsable envers le transporteur de tous dommages qui pourraient résulter de l'absence, de l'insuffisance ou de l'irrégularité de ces renseignements et pièces, sauf le cas de faute de la part du transporteur ou de ses préposés.

(2) Le transporteur n'est pas tenu d'examiner si ces renseignements et documents sont exacts ou suffisants.

CHAPITRE III

RESPONSABILITÉ DU TRANSPORTEUR

Article 17

Le transporteur est responsable du dommage survenu en cas de mort, de blessure ou de toute autre lésion corporelle subie par un voyageur lorsque l'accident qui a causé le dommage s'est produit à bord de l'aéronef ou au cours de toutes opérations d'embarquement et de débarquement.

Article 18

(1) Le transporteur est responsable du dommage survenu en cas de destruction, perte ou avarie de bagages enregistrés ou de marchandises lorsque l'événement qui a causé le dommage s'est produit pendant le transport aérien.

1ST SCH.

(2) Le transport aérien, au sens de l'alinéa précédent, comprend la période pendant laquelle les bagages ou marchandises se trouvent sous la garde du transporteur, que ce soit dans un aéroport ou à bord d'un aéronef ou dans un lieu quelconque en cas d'atterrissage en dehors d'un aéroport.

(3) La période du transport aérien ne couvre aucun transport terrestre, maritime ou fluvial effectué en dehors d'un aéroport. Toutefois lorsqu'un tel transport est effectué dans l'exécution du contrat de transport aérien en vue du chargement, de la livraison ou du transbordement, tout dommage est présumé, sauf preuve contraire, résulter d'un événement survenu pendant le transport aérien.

Article 19

Le transporteur est responsable du dommage résultant d'un retard dans le transport aérien de voyageurs, bagages ou marchandises.

Article 20

Le transporteur n'est pas responsable s'il prouve que lui et ses préposés ont pris toutes les mesures nécessaires pour éviter le dommage ou qu'il leur était impossible de les prendre.

Article 21

Dans le cas où le transporteur fait la preuve que la faute de la personne lésée a causé le dommage ou y a contribué, le tribunal pourra, conformément aux dispositions de sa propre loi, écarter ou atténuer la responsabilité du transporteur.

Article 22

(1) Dans le transport des personnes, la responsabilité du transporteur relative à chaque passager est limitée à la somme de deux cent cinquante mille francs. Dans le cas où, d'après la loi du tribunal saisi, l'indemnité peut être fixée sous forme de rente, le capital de la rente ne peut dépasser cette limite. Toutefois par une convention spéciale avec le transporteur, le passager pourra fixer une limite de responsabilité plus élevée.

(2)—(a) Dans le transport de bagages enregistrés et de marchandises, la responsabilité du transporteur est limitée à la somme de deux cent cinquante francs par kilogramme, sauf déclaration spéciale d'intérêt à la livraison faite par l'expéditeur au moment de la remise du colis au transporteur et moyennant le paiement d'une taxe supplémentaire éventuelle. Dans ce cas, le transporteur sera tenu de payer jusqu'à concurrence de la somme déclarée, à moins qu'il ne prouve qu'elle est supérieure à l'intérêt réel de l'expéditeur à la livraison.

(b) En cas de perte, d'avarie ou de retard d'une partie des bagages enregistrés ou des marchandises, ou de tout objet qui y est contenu, seul le poids total du ou des colis dont il s'agit est pris en considération pour déterminer la limite de responsabilité du transporteur. Toutefois, lorsque la perte, l'avarie ou le retard d'une partie des bagages enregistrés ou des marchandises, ou d'un

1ST SCH.

objet qui y est contenu, affecte la valeur d'autres colis couverts par le même bulletin de bagages ou la même lettre de transport aérien, le poids total de ces colis doit être pris en considération pour déterminer la limite de responsabilité.

(3) En ce qui concerne les objets dont le passager conserve la garde, la responsabilité du transporteur est limitée à cinq mille francs par passager.

(4) Les limites fixées par le présent article n'ont pas pour effet d'enlever au tribunal la faculté d'allouer en outre, conformément à sa loi, une somme correspondant à tout ou partie des dépens et autres frais du procès exposés par le demandeur. La disposition précédente ne s'applique pas lorsque le montant de l'indemnité allouée, non compris les dépens et autres frais de procès, ne dépasse pas la somme que le transporteur a offerte par écrit au demandeur dans un délai de six mois à dater du fait qui a causé le dommage ou avant l'introduction de l'instance si celle-ci est postérieure à ce délai.

(5) Les sommes indiquées en francs dans le présent article sont considérées comme se rapportant à une unité monétaire constituée par soixante-cinq milligrammes et demi d'or au titre de neuf cents millièmes de fin. Ces sommes peuvent être converties dans chaque monnaie nationale en chiffres ronds. La conversion de ces sommes en monnaies nationales autres que la monnaie-or s'effectuera en cas d'instance judiciaire suivant la valeur-or de ces monnaies à la date du jugement.

Article 23

(1) Toute clause tendant à exonérer le transporteur de sa responsabilité ou à établir une limite inférieure à celle qui est fixée dans la présente Convention est nulle et de nul effet, mais la nullité de cette clause n'entraîne pas la nullité du contrat qui reste soumis aux dispositions de la présente Convention.

(2) L'alinéa 1^{er} du présent article ne s'applique pas aux clauses concernant la perte ou le dommage résultant de la nature ou du vice propre des marchandises transportées.

Article 24

(1) Dans les cas prévus aux articles 18 et 19 toute action en responsabilité, à quelque titre que ce soit, ne peut être exercée que dans les conditions et limites prévues par la présente Convention.

(2) Dans les cas prévus à l'article 17, s'appliquent également les dispositions de l'alinéa précédent, sans préjudice de la détermination des personnes qui ont le droit d'agir et de leurs droits respectifs.

Article 25

Les limites de responsabilité prévues à l'article 22 ne s'appliquent pas s'il est prouvé que le dommage résulte d'un acte ou d'une omission du transporteur ou de ses préposés fait, soit avec l'intention de provoquer un dommage, soit témérement et avec conscience qu'un dommage en résultera probablement, pour autant que, dans le cas d'un acte ou d'une omission de préposés, la preuve soit également apportée que ceux-ci ont agi dans l'exercice de leur fonctions.

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Article 25A

(1) Si une action est intentée contre un préposé du transporteur à la suite d'un dommage visé par la présente Convention, ce préposé, s'il prouve qu'il a agi dans l'exercice de ses fonctions, pourra se prévaloir des limites de responsabilité que peut invoquer ce transporteur en vertu de l'article 22.

(2) Le montant total de la réparation qui, dans ce cas, peut être obtenu du transporteur et de ses préposés ne doit pas dépasser lesdites limites.

(3) Les dispositions des alinéas 1 et 2 du présent article ne s'appliquent pas s'il est prouvé que le dommage résulte d'un acte ou d'une omission du préposé fait, soit avec l'intention de provoquer un dommage, soit témérairement et avec conscience qu'un dommage en résultera probablement.

Article 26

(1) La réception des bagages et marchandises sans protestation par le destinataire constituera présomption, sauf preuve contraire, que les marchandises ont été livrées en bon état et conformément au titre de transport.

(2) En cas d'avarie, le destinataire doit adresser au transporteur une protestation immédiatement après la découverte de l'avarie et, au plus tard, dans un délai de sept jours pour les bagages et de quatorze jours pour les marchandises à dater de leur réception. En cas de retard, la protestation devra être faite au plus tard dans les vingt et un jours à dater du jour où le bagage ou la marchandise auront été mis à sa disposition.

(3) Toute protestation doit être faite par réserve inscrite sur le titre de transport ou par un autre écrit expédié dans le délai prévu pour cette protestation.

(4) A défaut de protestation dans les délais prévus, toutes actions contre le transporteur sont irrecevables, sauf le cas de fraude de celui-ci.

Article 27

En cas de décès du débiteur, l'action en responsabilité, dans les limites prévues par la présente Convention, s'exerce contre ses ayants droit.

Article 28

(1) L'action en responsabilité devra être portée, au choix du demandeur, dans le territoire d'une des Hautes Parties Contractantes, soit devant le tribunal du domicile du transporteur, du siège principal de son exploitation ou du lieu où il possède un établissement par le soin duquel le contrat a été conclu, soit devant le tribunal du lieu de destination.

(2) La procédure sera réglée par la loi du tribunal saisi.

Article 29

(1) L'action en responsabilité doit être intentée, sous peine de déchéance, dans le délai de deux ans à compter de l'arrivée à destination ou du jour où l'aéronef aurait dû arriver, ou de l'arrêt du transport.

(2) Le mode du calcul du délai est déterminé par la loi du tribunal saisi.

Article 30

1ST SCH.

(1) Dans les cas de transport régis par la définition du troisième alinéa de l'article 1^{er}, à exécuter par divers transporteurs successifs, chaque transporteur acceptant des voyageurs, des bagages ou des marchandises est soumis aux règles établies par cette Convention, et est censé être une des parties contractantes du contrat de transport, pour autant que ce contrat ait trait à la partie du transport effectuée sous son contrôle.

(2) Au cas d'un tel transport, le voyageur ou ses ayants droit ne pourront recourir que contre le transporteur ayant effectué le transport au cours duquel l'accident ou le retard s'est produit, sauf dans le cas où, par stipulation expresse, le premier transporteur aura assuré la responsabilité pour tout le voyage.

(3) S'il s'agit de bagages ou de marchandises, l'expéditeur aura recours contre le premier transporteur et le destinataire qui a le droit à la délivrance contre le dernier, et l'un et l'autre pourront, en outre, agir contre le transporteur ayant effectué le transport au cours duquel la destruction, la perte, l'avarie ou le retard se sont produits. Ces transporteurs seront solidairement responsables envers l'expéditeur et le destinataire.

CHAPITRE IV

DISPOSITIONS RELATIVES AUX TRANSPORTS COMBINÉS

Article 31

(1) Dans le cas de transports combinés effectués en partie par air et en partie par tout autre moyen de transport, les stipulations de la présente Convention ne s'appliquent qu'au transport aérien et si celui-ci répond aux conditions de l'article 1^{er}.

(2) Rien dans la présente Convention n'empêche les parties, dans le cas de transports combinés, d'insérer dans le titre de transport aérien des conditions relatives à d'autres modes de transport, à condition que les stipulations de la présente Convention soient respectées en ce qui concerne le transport par air.

CHAPITRE V

DISPOSITIONS GÉNÉRALES ET FINALES

Article 32

Sont nulles toutes clauses du contrat de transport et toutes conventions particulières antérieures au dommage par lesquelles les parties dérogeraient aux règles de la présente Convention soit par une détermination de la loi applicable, soit par une modification des règles de compétence. Toutefois, dans le transport des marchandises, les clauses d'arbitrage sont admises, dans les limites de la présente Convention, lorsque l'arbitrage doit s'effectuer dans les lieux de compétence des tribunaux prévus à l'article 28, alinéa 1.

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Article 33

Rien dans la présente Convention ne peut empêcher un transporteur de refuser la conclusion d'un contrat de transport ou de formuler des règlements qui ne sont pas en contradiction avec les dispositions de la présente Convention.

Article 34

Les dispositions des articles 3 à 9 inclus relative aux titres de transport ne sont pas applicables au transport effectué dans des circonstances extraordinaires en dehors de toute opération normale de l'exploitation aérienne.

Article 35

Lorsque dans la présente Convention il est question de jours, il s'agit de jours courants et non de jours ouvrables.

Article 36

La présente Convention est rédigée en français en un seul exemplaire qui restera déposé aux archives du Ministère des Affaires Etrangères de Pologne, et dont une copie certifiée conforme sera transmise par les soins du Gouvernement polonais au Gouvernement de chacune des Hautes Parties Contractantes.

Article 40A

(1)

(2) Aux fins de la Convention, le mot *territoire* signifie non seulement le territoire métropolitain d'un Etat, mais aussi tous les territoires qu'il représente dans les relations extérieures.

PROTOCOLE ADDITIONNEL

Ad Article 2

Les Hautes Parties Contractantes se réservent le droit de déclarer au moment de la ratification ou de l'adhésion que l'article 2, alinéa premier, de la présente Convention ne s'appliquera pas aux transports internationaux aériens effectués directement par l'Etat, ses colonies, protectorats, territoires sous mandat ou tout autre territoire sous sa souveraineté, sa suzeraineté ou son autorité.

SECOND SCHEDULE

Section 14.

REPEALS

| Session and Chapter | Short Title | Extent of Repeal |
|---------------------------------------|---|---|
| 22 & 23 Geo. 5. c. 36. | The Carriage by Air Act, 1932. | The whole Act. |
| 24 & 25 Geo. 5. c. 41. | The Law Reform (Miscellaneous Provisions) Act, 1934. | In section one, in subsection (5), the words "or the Carriage by Air Act, 1932". |
| 8 & 9 Geo. 6. c. 16. | The Limitation (Enemies and War Prisoners) Act, 1945. | In section two, in the definition of "statute of limitation" in subsection (1) the words "Article 29 of the First Schedule to the Carriage by Air Act, 1932". In section four, in paragraph (a) the words "Article 29 of the First Schedule to the Carriage by Air Act, 1932". |
| 8 & 9 Geo. 6. c. 28. | The Law Reform (Contributory Negligence) Act, 1945. | In section one, subsection (7). In section six, subsection (1), and in subsection (2) the words "except the provisions of the last foregoing subsection". |
| 12, 13 & 14 Geo. 6. c. 67. | The Civil Aviation Act, 1949. | In section forty-two, in subsection (6), the words "the Carriage by Air Act, 1932, or". Section fifty-four. |
| 7 & 8 Eliz. 2. c. 46. | The Nuclear Installations (Licensing and Insurance) Act, 1959. | In section four, in subsection (3), the words "or the Carriage by Air Act, 1932". |
| 7 & 8 Eliz. 2. c. 65. | The Fatal Accidents Act, 1959. | In section one, subsection (5). In section two, in subsection (1), the words "or under the Carriage by Air Act, 1932". In section three, in subsection (5), the words from "subsection (5)" to "and Northern Ireland". |
| ACT OF PARLIAMENT OF NORTHERN IRELAND | | |
| 1948 c. 23 ... | The Law Reform (Miscellaneous Provisions) Act (Northern Ireland), 1948. | In section two, subsection (7). |

Table of Statutes referred to in this Act.

| Short Title | Session and Chapter |
|--|-----------------------|
| Fatal Accidents Act, 1846 | 9 & 10 Vict. c. 93 |
| Interpretation Act, 1889 | 52 & 53 Vict. c. 63 |
| Carriage by Air Act, 1932 | 22 & 23 Geo. 5. c. 36 |
| Limitation Act, 1939 | 2 & 3 Geo. 6. c. 21 |
| Law Reform (Contributory Negligence) Act, 1945 | 8 & 9 Geo. 6. c. 28 |
| British Nationality Act, 1948 | 11 & 12 Geo. 6. c. 56 |
| Law Reform (Limitation of Actions &c.) Act, 1954 | 2 & 3 Eliz. 2. c. 36 |

CHAPTER 28

An Act to raise the limit on the interest in the shares of a society registered under the Industrial and Provident Societies Act, 1893, which any one member may hold and to enable certain societies to make advances of money to members without security. [22nd June, 1961]

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:—

Raising limit
on share of
any one
member.

1.—(1) In paragraph (a) of section four of the principal Act (which limits to five hundred pounds the interest in the shares of a society registered under that Act which any one member may hold), for the words “ five hundred ” there shall be substituted the words “ one thousand ”.

(2) The provisions of the Acts specified in the Schedule hereto shall have effect subject to the amendments set out in that Schedule, being amendments consequential on the provisions of subsection (1) of this section.

(3) Where immediately before the coming into force of this Act the rules of a society registered under the principal Act permitted members (other than registered societies) to hold the maximum of five hundred pounds then laid down by section four of the principal Act, the committee may, by resolution passed not later than eighteen months after the commencement of this Act and recorded in writing, resolve that members may be permitted to hold such greater amount not exceeding one thousand pounds as may be specified in the resolution, and the rules shall have effect accordingly.

(4) Section one of the Industrial and Provident Societies Act, 15 & 16 Geo. 6 1952 (which raised the limit on the interest in the shares of a society from two hundred pounds to five hundred pounds and made provision corresponding to the provisions of this section) is hereby repealed, but without prejudice to the effect of any resolution passed under subsection (2) of that section. & 1 Eliz. 2. c. 17.

(5) A committee shall not have power to vary or revoke a resolution under subsection (3) of this section.

(6) If any amendment to the rules of a society is made after the coming into force of this Act, the power of the committee of passing a resolution under subsection (3) of this section shall (if it has not determined by lapse of time) determine on the date on which the amendment is registered under subsection (2) of section ten of the principal Act; and if the committee have already exercised that power, or have exercised the power to pass a resolution under subsection (2) of section one of the said Act of 1952, the rules of the society shall, after that date, have effect as if the resolution had not been passed:

Provided that this subsection shall not affect any interest in the shares of the society held by a member immediately before the said date.

2.—(1) Where a society registered or to be registered under the principal Act consists mainly of members who are producers of agricultural or horticultural produce or persons engaged in forestry, or organisations of such producers or persons so engaged, and the object or principal object of the society is the making to its members of advances of money for agricultural, horticultural or forestry purposes, registration under the principal Act of the rules of the society or any amendment thereto shall not be refused on the ground that the rules provide or would, as amended, provide for the making of such advances without security. Advances to members of agricultural, horticultural or forestry societies.

(2) Where the registered rules of a society contain any provision authorised by subsection (1) of this section, the power of the registrar under subsection (1) of section nine of the principal Act to cancel its registry with the approval of the Treasury shall include power so to cancel it if it appears to him that the society no longer consists mainly of such members as aforesaid or that the activities carried on by it do not mainly consist in making advances to its members for agricultural, horticultural or forestry purposes.

3.—(1) In this Act “ principal Act ” means the Industrial and Provident Societies Act, 1893. Interpretation. 56 & 57 Vict. c. 39.

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

(3) This Act shall be construed as one with the Industrial and Provident Societies Acts, 1893 to 1954.

Citation,
extent and
commence-
ment.

4.—(1) This Act may be cited as the Industrial and Provident Societies Act, 1961, and this Act and the Industrial and Provident Societies Acts, 1893 to 1954, may be cited together as the Industrial and Provident Societies Acts, 1893 to 1961.

(2) This Act shall not extend to Northern Ireland and shall extend to the Channel Islands.

(3) This Act shall come into force on the expiration of a period of one month beginning with the date on which it is passed.

Section 1.

SCHEDULE

| Session and Chapter | Short Title | Amendment |
|-------------------------|---|--|
| 56 & 57 Vict. c. 39. | The Industrial and Provident Societies Act, 1893. | In subsection (1) of section twenty-six (which relates to proceedings on the death of a nominator), for the words "five hundred" there shall be substituted the words "one thousand". In subsection (1) of section fifty-five (which relates to the conversion of a company into a society) for the words "five hundred" there shall, in both cases, be substituted the words "one thousand". In paragraph 5 of the Second Schedule, for the words "five hundred" there shall be substituted the words "one thousand". |
| 14 Geo. 6. c. 34. | The Housing (Scotland) Act, 1950. | In subsection (2) of section seventy-nine (which relates to the power of local authorities to promote and assist housing associations), for the words "five hundred" there shall be substituted the words "the limits imposed by the said section". |

CHAPTER 29

An Act to amend section two of the Rural Water Supplies and Sewerage Act, 1944. [22nd June, 1961]

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 two of the Rural Water Supplies and Sewerage Act, 1944 (which provides that where under section one of that Act the Minister of Housing and Local Government undertakes to make a contribution towards expenses incurred in relation to a rural locality in England or Wales by a local authority other than a county council, the council of the county within which the area of the authority to whom the undertaking is given falls, or, where that area falls within more than one county, the councils of each of the counties, shall undertake to make towards those expenses such contributions as may be agreed between the council and the authority)—

Contributions
by county
or county
borough
councils.
7 & 8 Geo. 6.
c. 26.

(a) for the words from “the county within which” to “each of the counties” there shall be substituted the words “any county within which the whole or any part of the locality in relation to which the undertaking is given falls”; and

(b) for the words “the council and the authority” there shall be substituted the words “the council of that county and the authority to whom the Minister's undertaking is given”.

(2) Where any expenses with respect to which an undertaking under the said section one is or might be given are incurred or proposed to be incurred in relation to a rural locality falling wholly or partly within a county borough by an authority other than the council of that county borough, the said section two shall have effect as if that county borough were a county.

(3) There shall be paid out of moneys provided by Parliament any increase attributable to the provisions of this section in the sums payable out of moneys so provided by way of rate-deficiency grant or Exchequer equalisation grant under the enactments relating to local government in England and Wales or in Scotland.

2.—(1) This Act may be cited as the Rural Water Supplies and Sewerage Act, 1961. Citation
and extent.

(2) This Act and the Rural Water Supplies and Sewerage Acts, 1944 to 1955, may be cited together as the Rural Water Supplies and Sewerage Acts, 1944 to 1961.

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

CHAPTER 30

An Act to provide for the establishment of a Department of Technical Co-operation under the charge of a Minister of the Crown. [22nd June, 1961]

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

Establishment
and functions
of Depart-
ment.

1.—(1) For the purpose of co-ordinating, promoting and carrying out arrangements for furnishing countries outside the United Kingdom with technical assistance, including in particular assistance in the fields of economic development, administration and social services, there shall be established a separate department under the charge of a Minister of the Crown.

(2) The Minister and his department shall be known respectively as the Secretary for Technical Co-operation and the Department of Technical Co-operation.

(3) The powers exercisable by Order in Council under section one of the Ministers of the Crown (Transfer of Functions) Act, 1946 (which enables Her Majesty to transfer functions from one Minister of the Crown to another) shall include power to direct that functions of any Minister of the Crown within the meaning of that Act shall be exercisable by the Secretary for Technical Co-operation concurrently with that Minister, or shall cease to be so exercisable; and any reference in that Act to functions transferred by an Order in Council thereunder shall be construed accordingly.

Oath of
allegiance
and official
oath.

2. The Secretary for Technical Co-operation shall take the oath of allegiance and the official oath; and the Promissory Oaths Act, 1868, shall have effect as if his name were included in the First Part of the Schedule to that Act.

Officers,
remuneration
and expenses.

3.—(1) The Secretary for Technical Co-operation may appoint such officers and servants as he may with the consent of the Treasury determine.

(2) There shall be paid—

(a) to the Secretary for Technical Co-operation, an annual salary not exceeding three thousand seven hundred and fifty pounds;

(b) to any officers and servants appointed by him, such salaries or remuneration as the Treasury may determine; and for the purposes of section six of the Ministers of the Crown Act, 1937 (which makes provision against duplicate salaries) any salary payable under this Act to the Secretary for Technical Co-operation shall be deemed to be a salary payable under that Act.

(3) The salary of the Secretary for Technical Co-operation and his expenses (including any salaries or remuneration payable under paragraph (b) of the last foregoing subsection) shall be defrayed out of moneys provided by Parliament.

4.—(1) The Secretary for Technical Co-operation shall for all purposes be a corporation sole, and shall have an official seal, which shall be authenticated by his signature or by that of any person authorised by him to act in that behalf. Seal, style and acts of Minister.

(2) The seal of the Secretary for Technical Co-operation shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by him and to be sealed with his seal authenticated in the manner provided by this section, or to be signed by any person authorised as aforesaid, shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.

(3) A certificate signed by the Secretary for Technical Co-operation that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of that fact.

(4) The Documentary Evidence Act, 1868, shall apply to the Secretary for Technical Co-operation as if his name were included in the first column of the Schedule to that Act, and as if he or any person authorised by him to act on his behalf were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Secretary for Technical Co-operation.

5. Section two of the House of Commons Disqualification Act, 1957 (which limits the numbers of persons being the holders of offices specified in the Second Schedule to that Act who may sit and vote in the House of Commons at any one time) shall have effect as if the office of Secretary for Technical Co-operation were included among the offices specified in Part II of that Schedule. Seat in House of Commons.

6. This Act may be cited as the Department of Technical Co-operation Act, 1961. Short title.

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Table of Statutes referred to in this Act

| Short Title | Session and Chapter |
|---|-----------------------------|
| Documentary Evidence Act, 1868 | 31 & 32 Vict. c. 37. |
| Promissory Oaths Act, 1868 | 31 & 32 Vict. c. 72. |
| Ministers of the Crown Act, 1937 | 1 Edw. 8 & 1 Geo. 6. c. 38. |
| Ministers of the Crown (Transfer of Functions) Act, 1946 | 9 & 10 Geo. 6. c. 31. |
| House of Commons Disqualification Act, 1957 | 5 & 6 Eliz. 2. c. 20. |

CHAPTER 31

An Act to make provision for relaxing certain requirements of the Newspapers, Printers, and Reading Rooms Repeal Act, 1869. [22nd June, 1961]

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:—

Relaxation of requirements as to printer's imprint, etc.
32 & 33 Vict. c. 24.

1.—(1) Nothing in the Newspapers, Printers, and Reading Rooms Repeal Act, 1869, shall require a printer to print a statement of his name and usual place of abode or business (in this Act referred to as the "printer's imprint") on any paper or book unless the matter printed by him therein comprises either—

- (a) words grouped together in a manner calculated to convey a message, other than words calculated to convey only a greeting, invitation or other message in a conventional form; or
- (b) a drawing, illustration or other picture, other than a picture representing only a geometrical, floral or other design or a registered trademark or any combination thereof.

(2) Nothing in the said Act of 1869 shall require a printer to preserve or keep, or prohibit any person from publishing or dispersing or assisting in publishing or dispersing, a copy of any paper or book which by virtue of that Act or this Act is not required to bear the printer's imprint.

39 Geo. 3. c. 79. (3) The exemption conferred by section thirty-one of the Unlawful Societies Act, 1799, as set out in the Second Schedule to the said Act of 1869 (which exempts the printing from engravings or by letterpress of the papers and particulars there mentioned from requirements as to the printer's imprint and the preservation of copies) shall extend to the printing by any process of those papers and particulars and of particulars of the services offered by any person; and accordingly in that section the words "to the impression of any engraving or" and the words "by letter-press" are hereby repealed.

(4) The exemptions conferred by this section shall not prejudice any exemption conferred by the said Act of 1869.

Short title

2. This Act may be cited as the Printer's Imprint Act, 1961.

CHAPTER 32

An Act to amend section three hundred and thirty-nine of the Local Government (Scotland) Act, 1947, with respect to the purposes for which payments may be made thereunder. [22nd June, 1961]

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 three hundred and thirty-nine of the Local Government (Scotland) Act, 1947 (which relates to expenditure by county and town councils on special purposes) shall have effect as if after subsection (1) there were inserted the following subsection—

Amendment
of s. 339 of
10 & 11 Geo. 6.
c. 43.

“(1A) For the purposes of the foregoing subsection a payment being a contribution—

- (a) to the funds of a charitable body, corporate or unincorporate, in furtherance of its work in Scotland; or
- (b) to the funds of any body, corporate or unincorporate, which provides, otherwise than for the purposes of gain by the body or by individual members thereof, any national or public service in Scotland; or
- (c) to a fund which is raised wholly in consequence of or in connection with a particular occurrence or even in Scotland or directly affecting persons residing in Scotland and on behalf of which a public appeal for contributions has been made by the provost of a burgh or the convener of a county or the lord lieutenant of a county in Scotland or by a body including among its members one or more such persons;

may be treated as a payment for a purpose which is in the interests of the inhabitants of the area of the council making such payment.”

2. Any increase attributable to this Act in the sums payable by way of Exchequer Equalisation Grant under the enactments relating to local government in Scotland shall be defrayed out of moneys provided by Parliament.

Financial
provisions

3. This Act may be cited as the Local Authorities (*Expenditure on Special Purposes*) (Scotland) Act, 1961.

Citation.

CHAPTER 33*Land Compensation Act, 1961*

ARRANGEMENT OF SECTIONS

PART I

DETERMINATION OF QUESTIONS OF DISPUTED
COMPENSATION

Section

1. Tribunal for assessing compensation in respect of land compulsorily acquired.
2. Procedure on references under s. 1.
3. Consolidation of proceedings on claims in respect of several interests in the same land.

PART II

PROVISIONS DETERMINING AMOUNT OF COMPENSATION

General provisions

5. Rules for assessing compensation.
6. Disregard of actual or prospective development in certain cases.
7. Effect of certain actual or prospective development of adjacent land in same ownership.
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10. Acquisition of houses unfit for human habitation.
11. Land of statutory undertakers.
12. Outstanding right to compensation for refusal, etc. of planning permission.
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14. Assumptions as to planning permission.
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34. Special provision as to ecclesiastical property in England.
35. Certificates of value.
36. Saving for certain statutory purchases of statutory undertakings.
37. Local inquiries.
38. Service of notices.
39. Interpretation.
40. Consequential amendments, repeals and transitional provisions.
41. Saving for transactions before commencement.
42. Short title, commencement and extent.

SCHEDULES:

- First Schedule—Actual or prospective development relevant for purposes of ss. 6 and 7.
- Second Schedule—Acquisition of houses as being unfit for human habitation.
- Third Schedule—Application of Part IV to certain cases.
- Fourth Schedule—Enactments amended.
- Fifth Schedule—Enactments repealed.

An Act to consolidate the Acquisition of Land (Assessment of Compensation) Act, 1919, and certain other enactments relating to the assessment of compensation in respect of compulsory acquisitions of interests in land; to the withdrawal of notices to treat; and to the payment of additional compensation and of allowances in connection with such acquisitions or with certain sales by agreement of interests in land; with corrections and improvements made under the Consolidation of Enactments (Procedure) Act, 1949. [22nd June, 1961]

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

DETERMINATION OF QUESTIONS OF DISPUTED COMPENSATION

1. Where by or under any statute (whether passed before or after the passing of this Act) land is authorised to be acquired compulsorily, any question of disputed compensation and, where any part of the land to be acquired is subject to a lease which comprises land not acquired, any question as to the apportionment of the rent payable under the lease, shall be referred to the Lands Tribunal and shall be determined by the Tribunal in accordance with the following provisions of this Act.

Tribunal for assessing compensation in respect of land compulsorily acquired.

PART I

Procedure on references under s. 1.

2.—(1) The following provisions shall have effect with respect to any proceedings on a question referred to the Lands Tribunal under section one of this Act.

(2) The Lands Tribunal shall sit in public.

(3) Not more than one expert witness on either side shall be heard unless the Lands Tribunal otherwise directs; except that, where the claim includes a claim for compensation in respect of minerals, or disturbance of business, as well as in respect of land, one additional expert witness on either side on the value of the minerals or, as the case may be, on the damage suffered by reason of the disturbance may be allowed.

(4) A member of the Lands Tribunal dealing with the proceedings shall be entitled to enter on and inspect any land which is the subject of the proceedings.

(5) The Lands Tribunal shall, on the application of either party, specify the amount awarded in respect of any particular matter the subject of the award.

Consolidation of proceedings on claims in respect of several interests in the same land.

3. Where notices to treat have been served for the acquisition of several interests in any land then, if the acquiring authority so desire, the disputed claims of the persons entitled to those interests shall, so far as practicable, be heard and determined by the same member or members of the Lands Tribunal, and the Lord Chancellor may make rules under the Lands Tribunal Act, 1949, providing that such claims shall be heard together; but the value of the several interests shall be separately assessed.

Costs.

4.—(1) Where either—

(a) the acquiring authority have made an unconditional offer in writing of any sum as compensation to any claimant and the sum awarded by the Lands Tribunal to that claimant does not exceed the sum offered; or

(b) the Lands Tribunal is satisfied that a claimant has failed to deliver to the acquiring authority, in time to enable them to make a proper offer, a notice in writing of the amount claimed by him, containing the particulars mentioned in subsection (2) of this section;

the Lands Tribunal shall, unless for special reasons it thinks proper not to do so, order the claimant to bear his own costs and to pay the costs of the acquiring authority so far as they were incurred after the offer was made or, as the case may be, after the time when in the opinion of the Lands Tribunal the notice should have been delivered.

(2) The notice mentioned in subsection (1) of this section must state the exact nature of the interest in respect of which compensation is claimed, and give details of the compensation claimed, distinguishing the amounts under separate heads and showing how the amount claimed under each head is calculated.

(3) Where a claimant has delivered a notice as required by paragraph (b) of subsection (1) of this section and has made an unconditional offer in writing to accept any sum as compensation, then, if the sum awarded to him by the Lands Tribunal is equal to or exceeds that sum, the Lands Tribunal shall, unless for special reasons it thinks proper not to do so, order the acquiring authority to bear their own costs and pay the costs of the claimant so far as they were incurred after his offer was made.

PART I

(4) The Lands Tribunal may in any case disallow the cost of counsel.

(5) Where the Lands Tribunal orders the claimant to pay the costs, or any part of the costs, of the acquiring authority, the acquiring authority may deduct the amount so payable by the claimant from the amount of the compensation payable to him.

(6) Without prejudice to any other method of recovery, the amount of costs ordered to be paid by a claimant, or such part thereof as is not covered by such a deduction as is mentioned in subsection (5) of this section, shall be recoverable from him summarily as a civil debt.

PART II

PROVISIONS DETERMINING AMOUNT OF COMPENSATION

General provisions

5. Compensation in respect of any compulsory acquisition shall be assessed in accordance with the following rules: Rules for assessing compensation.

- (1) No allowance shall be made on account of the acquisition being compulsory:
- (2) The value of land shall, subject as hereinafter provided, be taken to be the amount which the land if sold in the open market by a willing seller might be expected to realise:
- (3) The special suitability or adaptability of the land for any purpose shall not be taken into account if that purpose is a purpose to which it could be applied only in pursuance of statutory powers, or for which there is no market apart from the special needs of a particular purchaser or the requirements of any authority possessing compulsory purchase powers:
- (4) Where the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any court, or is contrary to law, or is detrimental to the health of the occupants of the premises or to the public health, the amount of that increase shall not be taken into account:
- (5) Where land is, and but for the compulsory acquisition would continue to be, devoted to a purpose of such a

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nature that there is no general demand or market for land for that purpose, the compensation may, if the Lands Tribunal is satisfied that reinstatement in some other place is bona fide intended, be assessed on the basis of the reasonable cost of equivalent reinstatement:

- (6) The provisions of rule (2) shall not affect the assessment of compensation for disturbance or any other matter not directly based on the value of land:

and the following provisions of this Part of this Act shall have effect with respect to the assessment.

Disregard of actual or prospective development in certain cases.

6.—(1) Subject to section eight of this Act, no account shall be taken of any increase or diminution in the value of the relevant interest which, in the circumstances described in any of the paragraphs in the first column of Part I of the First Schedule to this Act, is attributable to the carrying out or the prospect of so much of the development mentioned in relation thereto in the second column of that Part as would not have been likely to be carried out if—

- (a) (where the acquisition is for purposes involving development of any of the land authorised to be acquired) the acquiring authority had not acquired and did not propose to acquire any of that land; and
- (b) (where the circumstances are those described in one or more of paragraphs 2 to 4 in the said first column) the area or areas referred to in that paragraph or those paragraphs had not been defined or designated as therein mentioned.

(2) The provisions of Part II of the First Schedule to this Act shall have effect with regard to paragraph 3 of Part I of that Schedule.

(3) In this section and in the First Schedule to this Act—

“ the land authorised to be acquired ”—

(a) in relation to a compulsory acquisition authorised by a compulsory purchase order or a special enactment, means the aggregate of the land comprised in that authorisation, and

(b) in relation to a compulsory acquisition not so authorised but effected under powers exercisable by virtue of any enactment for defence purposes, 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;

“defence purposes” has the same meaning as in the Land Powers (Defence) Act, 1958 ; PART II

and any reference to development of any land shall be construed as including a reference to the clearing of that land.

7.—(1) Subject to section eight of this Act, 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, there shall be deducted from the amount of the compensation which would be payable apart from this section the amount (if any) of such an increase in the value of the interest in that other land as is mentioned in subsection (2) of this section. Effect of certain actual or prospective development of adjacent land in same ownership.

(2) The said increase is such as, in the circumstances described in any of the paragraphs in the first column of Part I of the First Schedule to this Act, is attributable to the carrying out or the prospect of so much of the relevant development as would not have been likely to be carried out if the conditions mentioned in paragraphs (a) and (b) of subsection (1) of section six of this Act had been satisfied ; and the relevant development for the purposes of this subsection is, in relation to the circumstances described in any of the said paragraphs, that mentioned in relation thereto in the second column of the said Part I, but modified, as respects the prospect of any development, by the omission of the words “other than the relevant land”, wherever they occur.

8.—(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 circumstances mentioned in the first column of Part I of the First Schedule to this Act, been taken into account by virtue of section seven of this Act or any corresponding enactment, then, in connection with any subsequent acquisition to which this subsection applies, that increase shall not be left out of account by virtue of section six of this Act, or taken into account by virtue of section seven of this Act or any corresponding enactment, in so far as it was taken into account in connection with the previous acquisition. Subsequent acquisition of adjacent land and acquisition governed by enactment corresponding to s. 7.

(2) Where, in connection with the compulsory acquisition of an interest in land, a diminution in the value of an interest in other land has, in any of the circumstances mentioned in the first column of the said Part I, been taken into account in assessing compensation for injurious affection, then, in connection with any subsequent acquisition to which this subsection applies, that diminution shall not be left out of account by virtue of section six of this Act in so far as it was taken into account in connection with the previous acquisition.

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(3) Subsections (1) and (2) of this section apply 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 subsection 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 subsection (1) or subsection (2) of this section.

(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 subsection (1) or subsection (2) of this section, the preceding provisions of this section 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) Section seven of this Act shall not apply to any compulsory acquisition in respect of which the compensation payable is subject to the provisions of any corresponding enactment, nor to any compulsory acquisition in respect of which the compensation payable is subject to the provisions of any local enactment which provides (in whatever 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.

(6) Where any such local enactment as is mentioned in subsection (5) of this section includes a provision restricting the assessment of the increase in value thereunder by reference to existing use (that is to say, by providing, in whatever 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 Town and Country Planning Act, 1947, but would not be granted for any other development thereof), the enactment shall have effect as if it did not include that provision.

(7) References in this section to a corresponding enactment are references to any of the following, that is to say,—

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- (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 ;

and, in subsection (1), include references to any such local enactment as is mentioned in subsection (5).

9. 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 possessing compulsory purchase powers.

Disregard of depreciation due to prospect of acquisition by authority possessing compulsory purchase powers.

Special Cases

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.

Acquisition of houses unfit for human habitation.

11. In relation to compulsory acquisitions of interests in land which has been acquired by statutory undertakers (within the meaning of the Town and Country Planning Act, 1947) for the purposes of their undertaking, the provisions of this Act shall have effect subject to the provisions of subsection (5) of section forty-five of that Act (which makes special provision as to the compensation payable in respect of certain acquisitions of land so acquired).

Land of statutory undertakers.

12.—(1) Where, in the case of any compulsory acquisition, a planning decision or order has been made before the service of the notice to treat, and in consequence of the decision or order any person is entitled (subject to the making and determination of a claim in accordance with the relevant provisions, and to the effect of any direction by the Minister under section twenty-three or section forty-five of the Town and Country Planning Act, 1954) to compensation for depreciation of the value of an interest in land which consists of or includes the whole or part of the relevant land, then if—

Outstanding right to compensation for refusal etc. of planning permission.

- (a) no notice stating that the compensation has become payable has been registered before the date of service of the

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notice to treat (whether or not a claim for compensation has been made); but

(b) such a notice is registered on or after that date;

the compensation payable in respect of the compulsory acquisition shall be assessed as if the said notice 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.

(2) 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 Town and Country Planning Act, 1954, in respect of depreciation of the value of that interest, or

(b) under subsection (1) of section twenty-two of the Town and Country Planning Act, 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 the said Part II or the said Part V, means the provisions of the said Part II, or those provisions as applied by the said Part V, and, in relation to compensation under the said subsection (1), means the provisions of regulations made under the said Act of 1947 with respect to claims for compensation under that subsection.

War-damaged land.

13.—(1) Where an interest in any hereditament or part of a hereditament which has sustained war damage is compulsorily acquired, then if—

(a) any of the damage has not been made good at the date of the notice to treat; and

(b) the appropriate payment under the War Damage Act, 1943, would, apart from the compulsory acquisition and apart from any direction given by the Treasury under paragraph (b) of subsection (2) of section twenty of that Act, be a payment of cost of works;

the following provisions of this section shall have effect.

(2) Where the land would, but for the occurrence of the war damage, be devoted to any such purpose as is mentioned in rule (5) of the rules set out in section five of this Act, the provisions of that rule shall have effect for the purposes of the assessment of compensation payable in respect of the compulsory acquisition as if the land were devoted to that purpose.

(3) Where (whether by virtue of subsection (2) of this section or otherwise) the compensation payable in respect of the acquisition falls to be assessed in accordance with the said rule (5),

the reasonable cost of equivalent reinstatement shall be ascertained for the purposes of that rule by reference to the state of the land immediately before the occurrence of the war damage.

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Assumptions as to planning permission

14.—(1) For the purpose of assessing compensation in respect of any compulsory acquisition, such one or more of the assumptions mentioned in sections fifteen and sixteen 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.

Assumptions
as to planning
permission.

(2) Any planning permission which is to be assumed in accordance with any of the provisions of those sections is in addition to any planning permission which may 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 which 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 Part III of this Act.

(4) For the purposes of any reference in this section, or in section fifteen 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.

15.—(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
 - (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

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not directly
derived from
development
plans.

PART II 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 subsection (4) of this section, 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 Town and Country Planning Act, 1947 (which relates to development included in the existing use of land).

(4) Notwithstanding anything in subsection (3) of this section—

(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 said 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 the said Part II, but was so granted subject to conditions, and compensation under the said section twenty became payable in respect of the imposition of the conditions, it shall not by virtue of the said subsection (3) 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 said 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 said subsection (3) 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 provisions of Part III of this Act, it shall be assumed that any planning permission which, according to the certificate, might reasonably have been

expected to be granted in respect of the relevant land or part thereof would be so granted, but, where any conditions are, in accordance with those provisions, specified in the certificate, only subject to those conditions and, if any future time is so specified, only at that time.

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16.—(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.

Special assumptions in respect of certain land comprised in development plans.

(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

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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 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 possessing compulsory purchase powers.

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(8) In this section "land subject to comprehensive development" means land which consists or forms part of an area defined in the current development plan as an area of comprehensive development.

PART III

CERTIFICATION BY PLANNING AUTHORITIES OF APPROPRIATE ALTERNATIVE DEVELOPMENT

17.—(1) Where an interest in land is proposed to be acquired by an 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 development plan as an area of comprehensive development, or
- (b) an area shown in the 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 subsection (2) of this section, 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 subsection (1) of this section, 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 either 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 under this section made by either of the said parties—

- (a) shall specify one or more classes of development appearing to the applicant to be classes of development which would be appropriate for the land in question if it were not proposed to be acquired by any authority possessing compulsory purchase powers; 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.

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(4) Where an application is made to the 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 mentioned in paragraph (b) of subsection (3) of this section, issue to the applicant a certificate stating either of the following to be the opinion of the local planning authority regarding the planning permission that might have been expected to be granted in respect of the land in question, if it were not proposed to be acquired by any authority possessing compulsory purchase powers, that is to say—

- (a) that planning permission for development of one or more classes specified in the certificate (whether specified in the application or not) might reasonably have been expected to be granted ; or
- (b) that planning permission could not reasonably have been expected to be granted for any development 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 subsection (4) of this section, 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, as the case may be, in addition to the other matters required to be contained in the certificate.

(6) For the purposes of subsection (5) of this section, a local planning authority may formulate general requirements applicable to such classes of case as may be described therein ; and any conditions required to be specified in the 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 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.

PART III

(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.

18.—(1) Where the local planning authority have issued a certificate under section seventeen of this Act in respect of an interest in land,—

**Appeals
against
certificates
under s. 17.**

- (a) the person for the time being entitled to that interest, or
- (b) any 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 section seventeen of this Act 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.

(3) Before determining any such appeal the Minister shall, if any such person or authority as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of this section 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.

(4) Where an application is made for a certificate under section seventeen of this Act, and at the expiry of the time prescribed by a development order for the issue thereof (or, if an extended period is at any time agreed upon in writing by the parties 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 that section.

19.—(1) Where an interest in land is proposed to be acquired in the circumstances mentioned in subsection (1) of section seventeen 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

**Extension of
ss. 17 and 18
to special
cases.**

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PART III \ to be determined by the valuation of a surveyor under section fifty-eight of the Lands Clauses Consolidation Act, 1845, the surveyor, before carrying out his valuation, may apply to the local planning authority for a certificate under the said section seventeen; and the provisions of that section and of section eighteen 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 seventeen.

(2) Where, in pursuance of an application made by virtue of subsection (1) of this section, the local planning authority issue a certificate to the surveyor, the authority shall serve copies of the certificate on both the parties directly concerned.

(3) An application for a certificate made by virtue of subsection (1) of this section shall specify the matters referred to in paragraph (a) of subsection (3) of the said section seventeen, 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 that section shall have effect with the substitution, for the reference to the date specified in the statement mentioned in paragraph (b) of the said subsection (3), of a reference to the date specified in accordance with this subsection, or, where more than one date is so specified, the later of those dates.

Power to
prescribe
matters
relevant to
Part III.

20. The provisions which may be made by a development order shall include provision for regulating the manner in which applications under section seventeen or nineteen of this Act and appeals under section eighteen of this Act are to be made and dealt with respectively, and in particular—

- (a) for prescribing (subject to the provisions of subsection (4) of section seventeen of this Act) the time within which a certificate is required to be issued under that section;
- (b) for prescribing the manner in which notices of appeals under section eighteen 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 the said section seventeen or the said section nineteen, 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 seventeen;

- (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 seventeen, 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.

PART III

21.—(1) If any person aggrieved by a decision of the Minister under section eighteen of this Act or the local planning authority desires to question the validity of that decision on the ground that it is not within the powers of this Act or that any of the requirements of this Act or of a development order or of the Tribunals and Inquiries Act, 1958, or rules made thereunder have not been complied with in relation to it, that person or authority may, within six weeks from the date of the decision, make an application to the High Court, and the High Court—

Proceedings
for
challenging
validity of
decision on
appeal under
s. 18.

- (a) may by interim order suspend the operation of the decision until the determination of the proceedings ;
(b) if satisfied that the decision 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 the said requirements, may quash the decision.

(2) Subject to subsection (1) of this section, the validity of a decision on an appeal under section eighteen of this Act shall not be questioned in any legal proceedings whatsoever.

(3) 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 give a decision on an appeal under section eighteen of this Act.

22.—(1) In this Part of this Act “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.

Interpretation
of Part III.

(2) For the purposes of sections seventeen and eighteen of this Act, an interest in land shall be taken to be an interest proposed to be acquired by an 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 land in which that interest subsists, a notice required to be published or served in connection with that acquisition,

E* 2

PART III

- 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
- (b) where a notice requiring the purchase of that interest has been served under any enactment, 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 seventeen or under section nineteen of this Act, any reference in the said subsection (1) to the 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 the following time, that is to say, where neither of the following paragraphs apply, the time of the application, and—

- (a) where the interest in question is to be acquired in the circumstances mentioned in paragraph (b) of subsection (2) of this section or the acquiring authority (otherwise than in those circumstances) have served a notice to treat in respect of that interest ; or
- (b) where the acquiring authority have entered into a contract for the purchase of that interest,

the date of service of the notice to treat or the date of the contract or, where both paragraphs apply, the later of those dates.

PART IV

COMPENSATION IN CERTAIN CASES OF DEVELOPMENT
AFTER ACQUISITION

Compensation for new planning permission granted after acquisition of land.

23.—(1) Where—

- (a) any interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers and, before the end of the period of five years beginning with the date of completion, a planning decision is made granting permission for the carrying out of additional development of any of the land ; and
- (b) 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 amount specified in subsection (2) of this section,

then, subject to the following provisions of this section, the person to whom the compensation or purchase price was payable shall be entitled, on a claim duly made by him, to compensation from the acquiring authority of an amount equal to the difference.

(2) The amount referred to in paragraph (b) of subsection (1) of this section is the principal amount of the compensation which would have been payable in respect of a compulsory acquisition of the said interest by the acquiring authority, in pursuance of a notice to treat served on the relevant date, if the planning decision mentioned in paragraph (a) of the said subsection (1) had been made before that date and the permission granted thereby had been in force on that date.

(3) 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.

(4) If in accordance with the preceding provisions of this section the person referred to in subsection (1) of this section would be entitled to compensation under this section, 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.

PART IV
Provisions
as to claims
under s. 23.

24.—(1) For the purpose of facilitating the making of claims for compensation under section twenty-three 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 paragraph (a) of 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 (4) 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 an acquiring authority an address for service under this section, and before the end of the period mentioned in paragraph (a) of subsection (1) of section twenty-three of this Act, such a planning decision is made as is mentioned in that paragraph, the acquiring authority shall give notice of the decision in the prescribed form to that person at that address; but if an address for service has been given by such a person as is mentioned in paragraph (b) of subsection (1) of this section and the acquiring authority have reasonable grounds for believing that the person mentioned in paragraph (a) of that subsection is dead or that any other act or event has occurred as mentioned in subsection (4) of the said section twenty-three, the acquiring authority need not give a notice to the person mentioned in the said paragraph (a).

(3) A claim for compensation under section twenty-three of this Act in respect of a planning decision shall not have effect if made more than six months after the following date, that is to say,—

- (a) if the claim is made by a person who has not given the acquiring authority an address for service under this section, the date of the decision;
- (b) if the claim is made by a person who has given the acquiring authority such an address, the date on which notice of the decision is given to him in accordance with subsection (2) of this section;

except that where there is an appeal against the planning decision the date of the decision on the appeal shall be substituted in paragraph (a) of this subsection for the date of the decision.

The references in this subsection to an appeal against a planning decision include an appeal made by virtue of subsection (3) of section sixteen of the Town and Country Planning Act, 1947.

PART IV

(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 paragraph (a) of subsection (1) of section twenty-three 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 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 of which the acquiring authority are required to give notice under subsection (2) of this section.

(5) Notice under subsection (4) of this section 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 Part I of this Act (so far as applicable) shall apply in relation to the assessment of compensation under section twenty-three of this Act as they apply in relation to the assessment of compensation in respect of the compulsory acquisition of an interest in land.

25.—(1) The provisions of sections twenty-three and twenty-four of this Act (except subsection (2) of the said section twenty-four) 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 following time, that is to say,—

Extension of ss. 23 and 24 to planning permission where no planning decision made.

- (a) where the enactment contains provision as to the time when the permission is deemed to be granted, at that time;
- (b) where the enactment contains no such provision, at the time when the direction is given.

(2) The provisions of sections twenty-three and twenty-four of this Act (except subsection (2) of the said section twenty-four) 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

PART IV

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 twenty-three 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 (under subsection (1) of section twenty-four 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 subsection (4) of this section, be the duty of the acquiring authority to give notice of that proposal in the prescribed form to the person mentioned in paragraph (a) of this subsection at the address given by him to the authority.

(4) An acquiring authority shall not be required by virtue of subsection (3) of this section to give notice of proposed development to the person mentioned in paragraph (a) of subsection (1) of section twenty-four of this Act 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 as mentioned in subsection (4) of section twenty-three of this Act.

Extension of
s. 23 to Crown
development.

26.—(1) Where—

(a) any interest in land is compulsorily acquired or is sold to an authority possessing compulsory purchase powers, and before the end of the period of five years beginning with the date of completion there is initiated any additional development of any of the land which was comprised in the acquisition or sale; and

(b) by reason of any such circumstances as are mentioned in subsection (2) of this section the development in question is development for which planning permission is not required;

the provisions of sections twenty-three and twenty-four of this Act (except subsection (2) of the said section twenty-four) 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.

PART IV

(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 subsection (4) of this section, subsections (3) and (4) of section twenty-five of this Act shall apply where the provisions of section twenty-three 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-five.

(4) Where, by virtue of subsection (3) of this section, 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 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.

27. The preceding provisions of this Part of this Act shall have effect subject to the provisions of the Third Schedule to this Act.

Application of Part IV to certain cases.

28.—(1) The Minister may by statutory instrument make regulations for prescribing the form of any notice required by this Part of this Act to be given in the prescribed form.

Regulations for purposes of Part IV.

(2) Any statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

PART IV
Interpretation
of Part IV.

29.—(1) In 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 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 sections fourteen to sixteen 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 authority;

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

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

“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.

(2) In this Part of this Act 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—

PART IV

- (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.

PART V

MISCELLANEOUS AND GENERAL

30.—(1) Where any interest in land is compulsorily acquired or is sold by agreement to an authority possessing compulsory purchase powers, 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 the loss of any person for the purposes of paragraph (b) of the preceding subsection, the authority shall have regard to the period for which the premises occupied by him 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 authorities possessing compulsory purchase powers.

31.—(1) Where a claimant has delivered such a notice as is mentioned in paragraph (b) of subsection (1) of section four of this Act, the acquiring authority may, at any time within six weeks after the delivery thereof, withdraw any notice to treat which has been served on him or on any other person interested in the land authorised to be acquired. Withdrawal of notices to treat.

PART V

(2) Where a claimant has failed to deliver a notice as required by the said paragraph (b), the acquiring authority may, at any time after the decision of the Lands Tribunal on his claim but not later than six weeks after the claim has been finally determined, withdraw any notice to treat which has been served on him or on any other person interested in the land authorised to be acquired, unless the authority have entered into possession of the land by virtue of the notice.

(3) Where the acquiring authority withdraw a notice to treat under this section, the authority shall be liable to pay compensation to the person to whom it was given for any loss or expenses occasioned to him by the giving and withdrawal of the notice, but if the notice is withdrawn under subsection (2) of this section, not for any loss or expenses incurred by the claimant mentioned therein after the time when, in the opinion of the Lands Tribunal, a proper notice of claim should have been delivered by him.

(4) The amount of any compensation payable under subsection (3) of this section shall, in default of agreement, be determined by the Lands Tribunal.

(5) So long as the acquiring authority are entitled to withdraw a notice to treat under subsection (2) of this section, the authority shall not be compellable to take the land to which the notice relates or to pay any compensation awarded in respect of the taking.

(6) For the purposes of this section, a claim shall not be deemed to be finally determined so long as the time for requiring the Lands Tribunal to state a case with respect thereto, or for appealing from any decision on the points raised by a case so stated, has not expired.

Rate of interest after entry on land.

32.—(1) The rate of interest on any compensation in respect of the compulsory acquisition of an interest in any land on which entry has been made before the payment of the compensation shall (instead of being the rate of five per cent. specified under section eighty-five of the Lands Clauses Consolidation Act, 1845) be such rate as may from time to time be prescribed by regulations made by the Treasury.

(2) Any such regulations shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Application of Act to Crown.

33. This Act applies in relation to the acquisition of interests in land (whether compulsorily or by agreement) by government departments, being authorities possessing compulsory purchase powers, as it applies in relation to the acquisition of interests in land by such authorities which are not government departments.

34.—(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.

PART V
Special provision as to ecclesiastical property in England.

(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.

35. The Lands Tribunal may on the application of any person certify the value of land being sold by him to an authority possessing compulsory purchase powers, and the sale of the land to that authority at the price so certified shall be deemed to be a sale at the best price that can reasonably be obtained.

Certificates of value.

36.—(1) Nothing in this Act shall apply to any purchase of the whole or any part of any statutory undertaking under any enactment in that behalf prescribing the terms on which the purchase is to be effected.

Saving for certain statutory purchases of statutory undertakings

(2) In this section, “statutory undertaking” means an undertaking established by an enactment.

37. The Minister may cause a local inquiry to be held for the purpose of the exercise of any of his functions under this Act; and the provisions of 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 the cost of, local inquiries) shall have effect with respect to any such inquiry.

Local inquiries.

38.—(1) Subject to the provisions of this section, any notice or other document required or authorised to be served or given under Part III or Part IV of this Act may be served or given either—

Service of notices.

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given ; or
- (b) by leaving it at the usual or last known place of abode of that person, or, in a case in which an address for service has been furnished by that person, at that address ; or
- (c) by sending it in a pre-paid registered letter addressed to that person at his usual or last known place of abode, or, in a case in which an address for service has been furnished by that person, at that address ; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a pre-paid registered letter addressed to the secretary or clerk of the company or body at that office.

PART V

(2) Where the notice or document is required or authorised to be served on any person as having an interest in premises, and the name of that person cannot be ascertained after reasonable inquiry, the notice shall be deemed to be duly served if—

- (a) being addressed to him either by name or by the description of “the owner” of the premises (describing them) it is delivered or sent in the manner mentioned in paragraph (a), (b) or (c) of subsection (1) of this section ; or
- (b) being addressed as aforesaid and marked in the manner for the time being prescribed by regulations under the Town and Country Planning Act, 1947, for securing that notices thereunder are plainly identifiable as a communication of importance, it is sent in a pre-paid registered letter to the premises and is not returned to the authority sending it, or is delivered to some person on those premises or is affixed conspicuously to some object on those premises.

Interpretation. 39.—(1) In this Act, except where the context otherwise requires,—

- “acquiring authority”, in relation to an interest in land, means the person or body of persons by whom the interest is, or is proposed to be, acquired ;
- “authority possessing compulsory purchase powers”, where it occurs otherwise than in relation to a transaction, means any person or body of persons who could be or have been authorised to acquire an interest in land compulsorily, and, in relation to any transaction, means any person or body of persons who could be or have been so authorised for the purposes for which the transaction is or was effected or a parish council or parish meeting on whose behalf a county council could be or have been so authorised ;
- “building” includes any structure or erection and any part of a building as so defined, but does not include plant or machinery comprised in a building ;
- “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 ;
- “development” has the meaning assigned to it by section twelve of the Town and Country Planning Act, 1947, and “develop” shall be construed accordingly ;
- “development order” means an order under subsection (1) of section thirteen of the Town and Country Planning Act, 1947 ;

PART V

“development plan” has the meaning assigned to it by section five of the Town and Country Planning Act, 1947, and includes a plan made under subsection (5) of that section ;

“enactment” includes an enactment in any local or private Act of Parliament and an order, rule, regulation, bye-law or scheme made under an Act of Parliament.

“land” means any corporeal hereditament, including a building as defined by this section, and includes any interest or right in or over land and any right to water ;

“local enactment” means any local or private Act, or an order confirmed by Parliament or brought into operation in accordance with special parliamentary procedure ;

“local planning authority” has the meaning assigned to it by section four of the Town and Country Planning Act, 1947 ;

“the Minister” means the Minister of Housing and Local Government ;

“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 III of the Town and Country Planning Act, 1947 ;

“planning permission” means permission under Part III of the Town and Country Planning Act, 1947 ;

“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” 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) As respects references in this Act to planning decisions—

(a) in relation to a decision altered on appeal by the reversal or variation of the whole or any part thereof, such references shall be construed as references to the decision as so altered ;

PART V

- (b) in relation to a decision upheld on appeal, such references shall be construed as references to the decision of the local planning authority and not to the decision of the Minister on the appeal ;
- (c) in relation to a decision given on an appeal made by virtue of subsection (3) of section sixteen of the Town and Country Planning Act, 1947, in default of a decision by the local planning authority, such references shall be construed as references to the decision so given ;
- (d) the time of a planning decision, in a case where there is or was an appeal, shall be taken to be or have been the time of the decision as made by the local planning authority, whether or not that decision is or was altered as aforesaid on that appeal, or, in the case of such a decision as is mentioned in paragraph (c) of this subsection, the time when by virtue of subsection (3) of section sixteen of the Town and Country Planning Act, 1947, the notification of a decision by the local planning authority is deemed to have been given.

(4) References in this Act to a contract are references to a contract in writing or a contract attested by a memorandum or note thereof in writing, signed by the parties thereto or by some other person or persons authorised by them in that behalf, and, in relation to an interest in land conveyed or assigned without a preliminary contract, are references to the conveyance or assignment ; and references to the making of a contract are references to the execution thereof or (if it was not in writing) to the signature of the memorandum or note by which it was attested.

(5) References in this Act—

- (a) to a person from whom title is derived by another person include references to any predecessor in title of that other person ;
- (b) to a person deriving title from another person include references to any successor in title of that other person ;
- (c) to deriving title are references to deriving title either directly or indirectly.

(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.

(7) 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.

(8) References in this Act to a notice to treat include references to a notice to treat which, under any enactment, is deemed to have been served, and references to the service of such a notice and to the date of service shall be construed accordingly.

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

40.—(1) Any enactment or document referring to an enactment repealed by this Act shall be construed as referring to the corresponding enactment in this Act.

Consequential amendments, repeals, and transitional provisions.

(2) Without prejudice to the generality of subsection (1) of this section—

- (a) any enactment excluding the power conferred by subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919, to withdraw notices to treat shall be construed as excluding any such power conferred by section thirty-one of this Act ; and
- (b) the enactments specified in the Fourth Schedule to this Act shall have effect subject to the amendments specified in that Schedule.

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

(4) The mention of particular matters in this section shall not be taken to affect the general application to this Act of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

(5) Any regulations made under subsection (2) of section fifty-seven of the Town and Country Planning Act, 1947, or made under section fifty-five of the Town and Country Planning Act, 1959, for the purposes of section nineteen or section twenty of that Act shall have effect respectively as if made under section thirty-two or section twenty-eight of this Act.

PART V
Saving for
transactions
before com-
mencement
of Act.

41. This Act (including the amendments and repeals made by it) shall not have effect in relation to any compulsory acquisition in pursuance of a notice to treat served before the commencement of this Act or served in the exercise of powers conferred by Part II of the Requisitioned Land and War Works Act, 1945 ; nor in relation to any sale of an interest in land by agreement in pursuance of a contract made before the commencement of this Act.

Short title,
commence-
ment and
extent.

42.—(1) This Act may be cited as the Land Compensation Act, 1961.

(2) This Act shall come into operation on the first day of August, nineteen hundred and sixty-one.

(3) This Act does not extend to Scotland or Northern Ireland.

SCHEDULES

Sections 6, 7

FIRST SCHEDULE

ACTUAL OR PROSPECTIVE DEVELOPMENT RELEVANT FOR
PURPOSES OF SECTIONS 6 & 7

PART I

DESCRIPTION OF DEVELOPMENT

*Case**Development*

- | | |
|---|---|
| 1. Where the acquisition is 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. |

PART II

SPECIAL PROVISIONS AS TO NEW TOWNS

5. 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.

6. Land shall not be treated as forming part of such an area as is mentioned in paragraph 3 of this Schedule if the notice to treat is served on or after the transfer date.

1st SCH. 7. 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.

8. 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.

Section 10

SECOND SCHEDULE

ACQUISITION OF HOUSES AS BEING UNFIT FOR HUMAN HABITATION

1.—(1) Nothing in this Act shall be construed as excluding the provisions of the Act of 1957 as to site value, but those provisions shall have effect in addition to the provisions of this Act.

(2) Subject to paragraph 3 of this Schedule, the compensation payable in respect of a compulsory acquisition in relation to which any of the said provisions as to site value apply (whether by virtue of the Act of 1957 or of an order under paragraph 2 of this Schedule) shall not in any event exceed the amount of the compensation which would have been payable in respect thereof if—

- (a) none of those provisions 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 the Act of 1957 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) Where a compulsory acquisition is—

- (a) an acquisition under Part IV of the Town and Country Planning Act, 1947, or
- (b) an acquisition under section six of the Town Development Act, 1952, or
- (c) an acquisition in pursuance of Part IV of the Town and Country Planning Act, 1959, 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 local highway authority or the Minister of Transport under the New Towns Act, 1946, or under any enactment as applied by any provision of that Act,

2ND SCHED.

and 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, the following provisions of this paragraph shall apply in relation to the acquisition.

(2) The local authority may make and submit to the Minister an order in such form as may be prescribed, declaring the house to be in the state referred to in sub-paragraph (1) of this 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 Town and Country Planning Act, 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 the Town and Country Planning Act, 1959, 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 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 sub-paragraph (1) of this paragraph, 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 it 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, 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 the 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

2ND SCH

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 situate, are a local authority for the purposes of the provisions of Part III of the Act of 1957 relating to clearance areas ;

“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 of 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 or agreement the unexpired term whereof exceeds three years ; and

“prescribed” means prescribed by regulations made under section one hundred and seventy-eight of the Act of 1957.

3.—(1) Where in relation to a compulsory acquisition any of the provisions of the Act of 1957 as to site value apply (whether by virtue of that Act or of an order under paragraph 2 of this Schedule) and—

(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,

the following provisions of this paragraph shall apply in relation to the acquisition ; and in those provisions “the dwelling” means so much of the relevant house as the said person occupied as aforesaid.

(2) The amount of the compensation payable in respect of the acquisition of the relevant interest shall not in any event be less than the gross value of the dwelling ; but for the purposes of this sub-paragraph the amount of the compensation so payable shall be deemed to include—

(a) the amount (if any) of 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 ; and

(b) the amount (if any) of 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.

(3) 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 as determined under paragraph (a) of this sub-paragraph, and the gross value of the dwelling shall be taken to be the amount certified by him as being the amount which, on such an apportionment, is properly attributable to the dwelling.

(4) 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.

(5) In this paragraph “ the valuation officer ” has the same meaning as in Part III of the Local Government Act, 1948.

4.—(1) Where, in the case of any compulsory acquisition,—

(a) any of the provisions of the Act of 1957 as to site value apply (whether by virtue of that Act or of an order under paragraph 2 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 sub-paragraph (2) of this 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.

5.—(1) Where a local authority have before the commencement of this Act made and submitted to the Minister an order under paragraph 2 of the Second Schedule to the Town and Country Planning Act, 1959 (which contains provisions similar to those of paragraph 2 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 Schedule shall apply in relation to that order as if—

(a) the order had been made under paragraph 2 of this Schedule, and

2ND SCH.

- (b) the reference in sub-paragraph (4) of paragraph 2 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 (3) of paragraph 2 of the Second Schedule to the said Act of 1959.
- (2) Any reference in paragraph 1, 3 or 4 of this Schedule to an order under paragraph 2 thereof shall be construed as including a reference to an order—
- (a) made and confirmed under paragraph 2 of the Second Schedule to the said Act of 1959, or
 - (b) made under the said paragraph 2 and confirmed under the provisions of paragraph 2 of this Schedule applied by sub-paragraph (1) of this paragraph.
- 6.—(1) In this Schedule—
- “house” has the meaning assigned to it by section one hundred and eighty-nine of the Act of 1957; and
- “the Act of 1957” means the Housing Act, 1957.
- (2) Any reference in this Schedule to the provisions of the Act of 1957 as to 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).

Section 27.

THIRD SCHEDULE

APPLICATION OF PART IV TO CERTAIN CASES

Disturbance, severance and injurious affection

1. Subject to paragraph 2 of this Schedule, any reference in section twenty-three of this Act to the principal amount of any compensation shall be construed as including any sum attributable to disturbance, severance or injurious affection.
2. If the person entitled to the compensation under the said section twenty-three—
 - (a) was, at the time of the compulsory acquisition or sale mentioned in subsection (1) of that section, entitled to an interest in land held with the land acquired or purchased; but
 - (b) is, at the time of the planning decision in question, no longer entitled to that interest, either in respect of the whole or in respect of part of that land;
 any reference in the said section twenty-three to the principal amount of any compensation or the amount of the purchase price shall be

construed as excluding so much of the compensation or purchase price as was or would have been attributable to severance or injurious affection of that land or, as the case may be, of that part.

3RD SCH.

Increase in value of contiguous or adjacent land

3. In determining for the purposes of the said section twenty-three the difference between the principal amount of the compensation specified in subsection (2) of that section and the principal amount of the compensation or the amount of the purchase price mentioned in subsection (1) of that section, in a case where—

- (a) the compensation or the purchase price was or would have been reduced (whether by virtue of section seven of this Act or otherwise) by reason of an increase in the value of an interest in contiguous or adjacent land ; but
- (b) at the time of the planning decision the person entitled to the compensation under the said section twenty-three is not entitled to the said interest or is entitled thereto only as respects part of the contiguous or adjacent land,

the amount specified in the said subsection (2) and the principal amount or purchase price mentioned in the said subsection (1) shall be calculated as if the circumstances by reason of which it was or would have been so reduced had not existed, or, as the case may be, as if the interest in the contiguous or adjacent land had subsisted only in that part thereof.

Mortgaged land

4. Subject to the provisions of this Schedule relating to settled land, where, in a case falling within subsection (1) of section twenty-three of this Act, the interest in land which was acquired or sold was subject to a mortgage, any reference (however expressed) in section twenty-three or section twenty-four of this Act to the person entitled to 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.

5. For the purposes of the application of section twenty-three of this Act, and of the provisions of this Schedule other than this paragraph, to a case falling within the preceding paragraph, any reference to the principal amount of the compensation which was or would have been payable in respect of any compulsory acquisition shall be construed as a reference to the principal amount of the compensation which would have been payable if the interest in question had not been subject to a mortgage.

6. No compensation shall be payable by virtue of section twenty-three 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).

Settled land

7.—(1) Where, in a case falling within subsection (1) of section twenty-three of this Act, the interest in land which was acquired or sold was subject to a settlement, and accordingly the compensation

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3RD SCH. or purchase price was payable to the trustees of that settlement, any reference (however expressed) in section twenty-three or section twenty-four of this Act to the person entitled to the compensation or purchase price shall be construed as a reference to the trustees for the time being of the settlement.

(2) Where sub-paragraph (1) of this paragraph applies, subsection (4) of section twenty-three of this Act shall not apply.

(3) Any compensation paid to the trustees of the settlement by virtue of section twenty-three 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.

Interpretation

8. References in this Schedule to sections twenty-three and twenty-four of this Act include references to those sections as applied by section twenty-five or twenty-six of this Act, and references to the time of any planning decision shall be construed accordingly.

Section 40.

FOURTH SCHEDULE

ENACTMENTS AMENDED

The Town and Country Planning Act, 1944, and that Act as applied by the New Towns Act, 1946

1. In subsection (2) of section eighteen, and subsection (2) of section twenty-four, for the words "The Acquisition of Land (Assessment of Compensation) Act, 1919" there shall be substituted the words "The Land Compensation Act, 1961".

2. In the Fourth Schedule, in the proviso to paragraph 1, for the words "section two of the Acquisition of Land (Assessment of Compensation) Act, 1919" there shall be substituted the words "section five of the Land Compensation Act, 1961".

3. In the Fifth Schedule, in the heading, for the words "Acquisition of Land (Assessment of Compensation) Act, 1919" there shall be substituted the words "Land Compensation Act, 1961".

4. In the Fifth Schedule, for the heading of Part II there shall be substituted the heading "*The Land Compensation Act, 1961*" and for the word "arbitrator", in both places where it occurs in paragraph 8, there shall be substituted the words "Lands Tribunal".

5. In the Fifth Schedule, in paragraph 10, for the words "subsection (2) of section five of the Acquisition of Land (Assessment of Compensation) Act, 1919", there shall be substituted the words "section thirty-one of the Land Compensation Act, 1961".

The Acquisition of Land (Authorisation Procedure) Act, 1946 and that Act as applied by any other enactment

6. In subsection (3) of section one, for the words "the Acquisition of Land (Assessment of Compensation) Act, 1919" there shall be substituted the words "the Land Compensation Act, 1961".

7. In the Second Schedule, for the heading of Part III there shall be substituted the heading "*Land Compensation Act, 1961*" and for the word "arbitrator", in both places where it occurs in paragraph 8, there shall be substituted the words "Lands Tribunal".

4TH SCH.

The Lands Tribunal Act, 1949

8. In subsection (6) of section one, for the words "an authority to whom the Acquisition of Land Act applies" there shall be substituted the words "any person".

The Housing Act, 1957

9. In subsection (1) of section fifty-nine, and subsection (3) of section sixty-four, for the words "the Acquisition of Land (Assessment of Compensation) Act, 1919" there shall be substituted the words "the Land Compensation Act, 1961".

10. In subsection (4) of section seventy-four, for the words from "the Acquisition of Land (Assessment of Compensation) Act, 1919" to "the said section two" there shall be substituted the words "Part I of the Land Compensation Act, 1961, and rule (1) of the rules set out in section five of that Act; and that rule".

FIFTH SCHEDULE

Section 40

ENACTMENTS REPEALED

| Session and Chapter | Short Title | Extent of Repeal |
|-------------------------------|---|--|
| 9 & 10 Geo. 5. c. 57. | The Acquisition of Land (Assessment of Compensation) Act, 1919. | The whole Act. |
| 20 & 21 Geo. 5. c. 44. | The Land Drainage Act, 1930. | Subsection (5) of section forty-five. |
| 2 & 3 Geo. 6. c. 22. | The Camps Act, 1939. | Subsection (5) of section two. |
| 7 & 8 Geo. 6. c. 47. | The Town and Country Planning Act, 1944. | In the Fifth Schedule as applied by the New Towns Act, 1946, paragraph 9. |
| 9 & 10 Geo. 6. c. 68. | The New Towns Act, 1946. | Subsection (7) of section four. In the Fourth Schedule, the entry relating to paragraph 9 of the Fifth Schedule to the Town and Country Planning Act, 1944. |
| 10 & 11 Geo. 6. c. 51. | The Town and Country Planning Act, 1947. | Sections fifty, fifty-four, fifty-six, and fifty-seven. Subsection (2) of section one hundred and eighteen. The Seventh Schedule. |
| 12, 13 & 14 Geo. 6. c. 42. | The Lands Tribunal Act, 1949. | In section one, in paragraph (b) of subsection (3), the words from "and is" to the end of the paragraph; in subsection (4), the words from "including the power" to the end of the subsection; and subsection (7). |

5TH SCH.

| Session and Chapter | Short Title | Extent of Repeal |
|---|---|---|
| 12, 13 & 14 Geo. 6, c. 42— <i>cont.</i> | | Subsection (7) of section three. Section five. |
| 12, 13 and 14 Geo. 6. c. 84. | The War Damaged Sites Act, 1949. | In section seven, in subsection (1), the words "and is not contained in the Acquisition of Land Act" The First Schedule. |
| 12, 13 & 14 Geo. 6. c. 97. | The National Parks and Access to the Countryside Act, 1949. | In subsection (1) of section eight, the words "in a case to which the Acquisition of Land (Assessment of Compensation) Act, 1919, applies," paragraph (b), and the word "and" preceding that paragraph. |
| 1 & 2 Eliz. 2. c. 16. | The Town and Country Planning Act, 1953. | Subsection (1) of section three. |
| 2 & 3 Eliz. 2. c. 72. | The Town and Country Planning Act, 1954. | Subsection (7) of section seventy-one. |
| 5 & 6 Eliz. 2. c. 56. | The Housing Act, 1957. | In the Third Schedule, in paragraph 7, paragraph (b) of sub-paragraph (1); and in paragraph 8, the words in sub-paragraph (1) "and the Acquisition of Land (Assessment of Compensation) Act, 1919" and sub-paragraph (2). |
| 7 & 8 Eliz. 2. c. 25. | The Highways Act, 1959 | In the Tenth Schedule, paragraph 2 of the entry relating to the Town and Country Planning Act, 1944. |
| 7 & 8 Eliz. 2. c. 53. | The Town and Country Planning Act, 1959. | Subsection (8) of section two hundred and twenty-two. Part I except sections fourteen to sixteen. |
| | | In section thirty-one, in subsection (4), paragraph (f). The First, Second and Third Schedules. |
| | | In the Seventh Schedule, the entry relating to section fifty-four of the Town and Country Planning Act, 1947. |

Table of Statutes referred to in this Act

| Short Title | Session and Chapter |
|---|-------------------------------------|
| Lands Clauses Consolidation Act, 1845 ... | 8 & 9 Vict. c. 18. |
| Local Loans Act, 1875 | 38 & 39 Vict. c. 83. |
| Interpretation Act, 1889... .. | 52 & 53 Vict. c. 63. |
| Light Railways Act, 1896 | 59 & 60 Vict. c. 48. |
| 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. |
| Settled Land Act, 1925 | 15 & 16 Geo. 5. c. 18. |
| Law of Property Act, 1925 | 15 & 16 Geo. 5. c. 20. |
| Local Government Act, 1933 | 23 & 24 Geo. 5. c. 51. |
| War Damage Act, 1943 | 6 & 7 Geo. 6. c. 21. |
| Requisitioned Land and War Works Act, 1945 | 8 & 9 Geo. 6. c. 43. |
| Acquisition of Land (Authorisation Procedure) Act, 1946. | 9 & 10 Geo. 6. c. 49. |
| New Towns Act, 1946 | 9 & 10 Geo. 6. c. 68. |
| Town and Country Planning Act, 1947 ... | 10 & 11 Geo. 6. c. 51. |
| Local Government Act, 1948 | 11 & 12 Geo. 6. c. 26. |
| Lands Tribunal Act, 1949 | 12, 13 & 14 Geo. 6. c. 42. |
| Town Development Act, 1952 | 15 & 16 Geo. 6. & 1 Eliz. 2. c. 54. |
| Landlord and Tenant Act, 1954 | 2 & 3 Eliz. 2. c. 56. |
| Town and Country Planning Act, 1954 ... | 2 & 3 Eliz. 2. c. 72. |
| Housing Act, 1957 | 5 & 6 Eliz. 2. c. 56. |
| Land Powers (Defence) Act, 1958 | 6 & 7 Eliz. 2. c. 30. |
| Tribunals and Inquiries Act, 1958 | 6 & 7 Eliz. 2. c. 66. |
| Highways Act, 1959 | 7 & 8 Eliz. 2. c. 25. |
| Town and Country Planning Act, 1959 ... | 7 & 8 Eliz. 2. c. 53. |

CHAPTER 34

Factories Act, 1961

ARRANGEMENT OF SECTIONS

PART I

HEALTH (GENERAL PROVISIONS)

Section

1. Cleanliness.
2. Overcrowding.
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An Act to consolidate the Factories Acts, 1937 to 1959, and certain other enactments relating to the safety, health and welfare of employed persons.

[22nd June, 1961]

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

HEALTH (GENERAL PROVISIONS)

1.—(1) Every factory shall be kept in a clean state and free from effluvia arising from any drain, sanitary convenience or nuisance. Cleanliness.

(2) Without prejudice to the generality of subsection (1) of this section,—

(a) accumulations of dirt and refuse shall be removed daily by a suitable method from the floors and benches of workrooms, and from the staircases and passages ;

(b) the floor of every workroom shall be cleaned at least once every week by washing or, if it is effective and suitable, by sweeping or other method.

(3) Without prejudice to the generality of subsection (1) of this section but subject to subsection (4) thereof, the following provisions shall apply as respects all inside walls and partitions and all ceilings or tops of rooms, and all walls, sides and tops of passages and staircases, that is to say,—

(a) where they have a smooth impervious surface, they shall at least once in every period of fourteen months

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be washed with hot water and soap or other suitable detergent or cleaned by such other method as may be approved by the inspector for the district ;

(b) where they are kept painted in a prescribed manner or varnished, they shall be repainted in a prescribed manner or revarnished at such intervals of not more than seven years as may be prescribed, and shall at least once in every period of fourteen months be washed with hot water and soap or other suitable detergent or cleaned by such other method as may be approved by the inspector for the district ;

(c) in any other case they shall be kept whitewashed or colourwashed and the whitewashing or colourwashing shall be repeated at least once in every period of fourteen months.

(4) Except in a case where the inspector for the district otherwise requires, the provisions of subsection (3) of this section shall not apply to any factory where mechanical power is not used and less than ten persons are employed.

(5) Where it appears to the Minister that in any class or description of factory or parts thereof any of the foregoing provisions of this section are not required for the purpose of keeping the factory in a clean state, or are by reason of special circumstances inappropriate or inadequate for that purpose, he may, if he thinks fit, by order direct that those provisions shall not apply to factories, or parts of factories, of that class or description, or shall apply as varied by the order.

Overcrowding. 2.—(1) A factory shall not, while work is carried on, be so overcrowded as to cause risk of injury to the health of the persons employed in it.

(2) Without prejudice to the generality of subsection (1) of this section but subject to subsection (3) thereof, the number of persons employed at a time in any workroom shall not be such that the amount of cubic space allowed for each is less than four hundred cubic feet.

(3) If the chief inspector is satisfied that, owing to the special conditions under which the work is carried on in any workroom in which explosive materials are manufactured or handled, the application of subsection (2) of this section to that workroom would be inappropriate or unnecessary, he may by certificate except the workroom from that subsection subject to any conditions specified in the certificate.

(4) The Minister may make regulations, as respects any class or description of factory or parts thereof or any process, increasing the number of cubic feet which must under this section be allowed for every person employed in a workroom.

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(5) In calculating for the purposes of this section the amount of cubic space in any room no space more than fourteen feet from the floor shall be taken into account and, where a room contains a gallery, the gallery shall be treated for the purposes of this section as if it were partitioned off from the remainder of the room and formed a separate room.

(6) Unless the inspector for the district otherwise allows, there shall be posted in the workroom a notice specifying the number of persons who, having regard to the provisions of this section, may be employed in that room.

3.—(1) Effective provision shall be made for securing and maintaining a reasonable temperature in each workroom, but no method shall be employed which results in the escape into the air of any workroom of any fume of such a character and to such extent as to be likely to be injurious or offensive to persons employed therein. Temperature.

(2) In every workroom in which a substantial proportion of the work is done sitting and does not involve serious physical effort a temperature of less than sixty degrees shall not be deemed, after the first hour, to be a reasonable temperature while work is going on, and at least one thermometer shall be provided and maintained in a suitable position in every such workroom.

(3) The Minister may, by regulations for factories or for any class or description of factory or parts thereof, prescribe a standard of reasonable temperature (which may vary the standard prescribed by subsection (2) of this section) and prohibit the use of any methods of maintaining a reasonable temperature which, in his opinion, are likely to be injurious to the persons employed, and direct that thermometers shall be provided and maintained in such places and positions as may be specified.

4.—(1) Effective and suitable provision shall be made for securing and maintaining by the circulation of fresh air in each workroom the adequate ventilation of the room, and for rendering harmless, so far as practicable, all such fumes, dust and other impurities generated in the course of any process or work carried on in the factory as may be injurious to health. Ventilation.

(2) The Minister may by regulations prescribe a standard of adequate ventilation for factories or for any class or description of factory or parts thereof.

5.—(1) Effective provision shall be made for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of a factory in which persons are working or passing. Lighting.

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(2) The Minister may by regulations prescribe a standard of sufficient and suitable lighting for factories or for any class or description of factory or parts thereof, or for any process.

(3) Nothing in the foregoing provisions of this section or in any regulations made thereunder shall be construed as enabling directions to be prescribed or otherwise given as to whether any artificial lighting is to be produced by any particular illuminant.

(4) All glazed windows and skylights used for the lighting of workrooms shall, so far as practicable, be kept clean on both the inner and outer surfaces and free from obstruction; but this subsection shall not affect the whitewashing or shading of windows and skylights for the purpose of mitigating heat or glare.

Drainage of floors.

6. Where any process is carried on which renders the floor liable to be wet to such an extent that the wet is capable of being removed by drainage, effective means shall be provided and maintained for draining off the wet.

Sanitary Conveniences.

7.—(1) Sufficient and suitable sanitary conveniences for the persons employed in the factory shall be provided, maintained and kept clean, and effective provision shall be made for lighting them and, where persons of both sexes are or are intended to be employed (except in the case of factories where the only persons employed are members of the same family dwelling there) the conveniences shall afford proper separate accommodation for persons of each sex.

(2) The Minister may make regulations determining for factories or for any class or description of factory what is sufficient and suitable provision for the purposes of this section.

Enforcement of certain provisions of Part I by district council.

8.—(1) The foregoing provisions of this Part of this Act relating to sanitary conveniences and any regulations made thereunder shall be enforced by the district council.

(2) Subject to subsections (3) and (4) of this section, the foregoing provisions of this Part of this Act relating to cleanliness, overcrowding, temperature, ventilation and drainage of floors and any order or regulations made thereunder shall, as respects any factory in which mechanical power is not used, be enforced by the district council.

(3) Subsection (2) of this section does not apply to any premises occupied or used by a railway company for the purposes of their railway or to any premises vested in the owners, trustees or conservators, acting under powers conferred on them by Parliament, of any dock, harbour or inland navigation and used for the purposes of the dock, harbour or inland navigation.

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(4) Where special provision is made by this Act or any order or regulation made thereunder, against a risk of industrial disease or other risk of injury to health, the Minister may by order direct that the provisions mentioned in subsection (2) of this section or any of them shall not be enforced by the district council in the case of any class or description of factory or part thereof in respect of which that special provision is made.

(5) Every district council shall keep a register of all factories situate within their district with respect to which the duty to enforce any of the foregoing provisions of this Part of this Act is imposed on them.

(6) For references in any of the foregoing provisions of this Part of this Act to an inspector there shall be substituted, as respects any factory or part thereof in which that provision is enforceable by a district council, references to a medical officer of health.

9.—(1) Where an inspector finds any act or default in relation to any drain, sanitary convenience, water supply, nuisance, or other matter in a factory which is liable to be dealt with by the district council under this Part of this Act or under the law relating to public health, he shall give notice thereof in writing to the district council, and it shall be the duty of the district council to make such inquiry into the subject of the notice, and to take such action thereon, as seems to the council proper for the purpose of enforcing the law, and to inform the inspector of the proceedings taken in consequence of the notice.

Powers of inspector as to sanitary defect remediable by district council.

(2) Where an inspector finds any such act or default as aforesaid, he may take with him into the factory a medical officer of health, public health inspector (or, in Scotland, sanitary inspector) or other officer of the district council.

(3) If, within one month after notice of an act or default is given by an inspector under this section to a district council, proceedings are not taken for punishing or remedying the act or default, the inspector may take the like proceedings for the punishment or remedying thereof as the district council might have taken and shall be entitled to recover from the district council all such expenses incurred by him in and about the proceedings as are not recovered from any other person and have not been incurred in or about any unsuccessful legal proceedings.

(4) Any sum recoverable under subsection (3) of this section shall, in England and Wales, be recoverable summarily as a civil debt.

10.—(1) If the Minister is satisfied that any district council have failed to enforce any of the provisions of this Part of this Act enforceable by them, he may, by order, authorise an inspector to take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing those provisions.

Powers in case of default of a district council.

PART I

(2) An inspector authorised under this section shall, for the purpose of his duties thereunder, have the same powers in regard to any such matters as he has with respect to other matters under this Act, and he may, for that purpose, take the like proceedings for enforcing the provisions of this Act, or for punishing or remedying any act or default, as might be taken by the district council; and he shall be entitled to recover from the district council all such expenses incurred by him in and about any proceedings as are not recovered from any other person.

(3) Any sum recoverable under subsection (2) of this section shall, in England and Wales, be recoverable summarily as a civil debt.

Power to
require
medical
supervision.

11.—(1) Where it appears to the Minister—

(a) that in any factory or class or description of factory—

(i) cases of illness have occurred which he has reason to believe may be due to the nature of a process or other conditions of work; or

(ii) by reason of changes in any process or in the substances used in any process, or by reason of the introduction of any new process or new substance for use in a process, there may be risk of injury to the health of persons employed in that process; or

(iii) young persons are or are about to be employed in work which may cause risk of injury to their health; or

(b) that there may be risk of injury to the health of persons employed in a factory—

(i) from any substance or material brought to the factory to be used or handled therein; or

(ii) from any change in the conditions of work or other conditions in the factory;

he may make special regulations requiring such reasonable arrangements to be made for the medical supervision (not including medical treatment other than first-aid treatment and medical treatment of a preventive character) of the persons, or any class of the persons, employed at that factory or class or description of factory as may be specified in the regulations.

(2) Where the Minister proposes to exercise his powers under this section in relation to a particular factory and for a limited period, he may exercise those powers by order instead of by special regulations, and any such order shall, subject to subsection (3) of this section, cease to have effect at the expiration of such period not exceeding six months from the date when it comes into operation as may be specified in the order.

(3) The Minister may by subsequent order or orders extend the said period, but if the occupier of the factory by notice in writing to him objects to any such extension, the original order

shall cease to have effect as from one month after the service of the notice, without prejudice to the making of special regulations in relation to the factory.

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PART II

SAFETY (GENERAL PROVISIONS)

12.—(1) Every flywheel directly connected to any prime mover and every moving part of any prime mover, except such prime movers as are mentioned in subsection (3) of this section, shall be securely fenced, whether the flywheel or prime mover is situated in an engine-house or not. Prime movers.

(2) The head and tail race of every water wheel and of every water turbine shall be securely fenced.

(3) Every part of electric generators, motors and rotary converters, and every flywheel directly connected thereto, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.

13.—(1) Every part of the transmission machinery shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced. Transmission machinery.

(2) Efficient devices or appliances shall be provided and maintained in every room or place where work is carried on by which the power can promptly be cut off from the transmission machinery in that room or place.

(3) No driving belt when not in use shall be allowed to rest or ride upon a revolving shaft which forms part of the transmission machinery.

(4) Suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving belts to and from fast and loose pulleys which form part of the transmission machinery, and any such gear or appliances shall be so constructed, placed and maintained as to prevent the driving belt from creeping back on to the fast pulley.

(5) Where the Minister is satisfied that owing to special circumstances the fulfilment of any of the requirements of subsections (2) to (4) of this section is unnecessary or impracticable, he may by order direct that that requirement shall not apply in those circumstances.

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Other
machinery.

14.—(1) Every dangerous part of any machinery, other than prime movers and transmission machinery, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.

(2) In so far as the safety of a dangerous part of any machinery cannot by reason of the nature of the operation be secured by means of a fixed guard, the requirements of subsection (1) of this section shall be deemed to have been complied with if a device is provided which automatically prevents the operator from coming into contact with that part.

(3) Where the Minister is satisfied that there is available and suitable for use in connection with machinery of any class any type or description of safety device which—

- (a) prevents the exposure of a dangerous part of machinery whilst in motion; or
- (b) stops a machine forthwith in case of danger;

he may make regulations directing that the type or description of device shall be provided for use in connection with such class of machinery as may be specified in the regulations.

(4) In any proceedings in respect of a contravention of subsection (3) of this section it shall be a sufficient defence to prove that a device at least equally effective was being used in connection with the machinery in respect of which the contravention occurred.

(5) Any part of a stock-bar which projects beyond the head-stock of a lathe shall be securely fenced unless it is in such a position as to be as safe to every person employed or working on the premises as it would be if securely fenced.

(6) The Minister may, as respects any machine or any process in which a machine is used, make regulations requiring the fencing of materials or articles which are dangerous while in motion in the machine.

Provisions as
to unfenced
machinery.

15.—(1) In determining, for the purposes of the foregoing provisions of this Part of this Act, whether any part of machinery is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced, the following paragraphs shall apply in a case where this section applies, that is to say—

- (a) no account shall be taken of any person carrying out, while the part of machinery is in motion, an examination thereof or any lubrication or adjustment shown by the examination to be immediately necessary, if the examination, lubrication or adjustment can only be

carried out while the part of machinery is in motion ;
and

PART II

- (b) in the case of any part of transmission machinery used in any such process as may be specified in regulations made by the Minister, being a process where owing to the continuous nature thereof the stopping of that part would seriously interfere with the carrying on of the process, no account shall be taken of any person carrying out, by such methods and in such circumstances as may be specified in the regulations, any lubrication or any mounting or shipping of belts.

(2) This section only applies where the examination, lubrication or other operation is carried out by such male persons who have attained the age of eighteen as may be specified in regulations made by the Minister, and all such other conditions as may be so specified are complied with.

16. All fencing or other safeguards provided in pursuance of the foregoing provisions of this Part of this Act shall be of substantial construction, and constantly maintained and kept in position while the parts required to be fenced or safeguarded are in motion or use, except when any such parts are necessarily exposed for examination and for any lubrication or adjustment shown by the examination to be immediately necessary, and all such conditions as may be specified in regulations made by the Minister are complied with.

Construction and maintenance of fencing.

17.—(1) In the case of any machine in a factory which is a machine intended to be driven by mechanical power—

Construction and sale of machinery.

- (a) every set-screw, bolt or key on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger ;
and
- (b) all spur and other toothed or friction gearing, which does not require frequent adjustment while in motion, shall be completely encased unless it is so situated as to be as safe as it would be if completely encased.

(2) Any person who sells or lets on hire, or as agent of the seller or hirer causes or procures to be sold or let on hire, for use in a factory in the United Kingdom any machine intended to be driven by mechanical power which does not comply with the requirements of this section shall be guilty of an offence and liable to a fine not exceeding two hundred pounds.

(3) The Minister may by regulations extend the provisions of subsection (2) of this section to machinery or plant which does not comply with such requirements of this Act or of any

PART II regulation made thereunder as may be specified in the regulations, and any regulations made under this subsection may relate to machinery or plant in a specified process.

(4) An offence under subsection (2) or subsection (3) of this 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, is for the time being.

(5) 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.

(6) Nothing in this section applies to any machine constructed before the thirtieth day of July, nineteen hundred and thirty-seven, and regulations under subsection (3) of this section shall not apply to any machinery or plant constructed before the making of the regulations.

Dangerous substances.

18.—(1) Every fixed vessel, structure, sump or pit of which the edge is less than three feet above the highest ground or platform from which a person might fall into it shall, if it contains any scalding, corrosive or poisonous liquid, either be securely covered or be securely fenced to at least three feet above that ground or platform, or where by reason of the nature of the work neither secure covering nor secure fencing to that height is practicable, all practicable steps shall be taken by covering, fencing or other means to prevent any person from falling into the vessel, structure, sump or pit.

(2) 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.

(3) Where any such vessels, structures, sumps or pits as are mentioned in subsection (2) 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.

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(4) 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.

(5) The Minister may by regulations extend any of the provisions of this section so as to make them applicable—

(a) to a vessel or structure which is not fixed ; or

(b) to a vessel, structure, sump or pit containing a substance which is not a liquid ;

and in relation to any substance which is not a liquid the expression "scalding", in a provision extended under paragraph (b) of this subsection, shall be taken to mean likely to cause burns.

(6) The Minister may by order exempt from the requirements of this section any class of vessel, structure, sump or pit in the case of which he is satisfied that the requirements are unnecessary or inappropriate.

19.—(1) In any factory or part of a factory to which this subsection applies no traversing part of any self-acting machine and no material carried thereon shall, if the space over which it runs is a space over which any person is liable to pass, whether in the course of his employment or otherwise, be allowed on its outward or inward traverse to run within a distance of eighteen inches from any fixed structure which is not part of the machine ; but nothing in this subsection shall prevent any portion of the traversing carriage of any self-acting spinning mule being allowed to run to a point twelve inches distant from any part of the head stock of another such machine. Self-acting machines.

(2) Subsection (1) of this section applies—

(a) to any factory erected after the thirty-first day of December, eighteen hundred and ninety-five ; and

(b) to any factory or part of a factory reconstructed after the thirtieth day of July, nineteen hundred and thirty-seven ; and

(c) to any extension of or addition to a factory made after the said thirtieth day of July.

(3) All practicable steps shall be taken by instructions to the person in charge of the machine and otherwise to ensure that no person employed shall be in the space between any traversing part of a self-acting spinning mule and any fixed part of the machine towards which the traversing part moves on the inward run, except when the machine is stopped with the traversing part on the outward run.

PART II
Cleaning of machinery by women and young persons.

20. A woman or young person shall not clean any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion, and shall not clean any part of any machine if the cleaning thereof would expose the woman or young person to risk of injury from any moving part either of that machine or of any adjacent machinery.

Training and supervision of young persons working at dangerous machines.

21.—(1) No young person shall work at any machine to which this section applies, unless he has been fully instructed as to the dangers arising in connection with it and the precautions to be observed, and—

- (a) has received a sufficient training in work at the machine ;
or
- (b) is under adequate supervision by a person who has a thorough knowledge and experience of the machine.

(2) This section applies to such machines as may be prescribed by the Minister, being machines which in his opinion are of such a dangerous character that young persons ought not to work at them unless the foregoing requirements are complied with.

Hoists and lifts—general.

22.—(1) Every hoist or lift shall be of good mechanical construction, sound material and adequate strength, and shall be properly maintained.

(2) Every hoist or lift shall be thoroughly examined by a competent person at least once in every period of six months and a report of the result of every such examination in the prescribed form and containing the prescribed particulars shall be signed by the person making the examination and shall within twenty-eight days be entered in or attached to the general register.

(3) Where the examination shows that the hoist or lift cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time, the person making the report shall within twenty-eight days of the completion of the examination send a copy of the report to the inspector for the district.

(4) Every hoistway or liftway shall be efficiently protected by a substantial enclosure fitted with gates, and the enclosure shall be such as to prevent, when the gates are shut, any person falling down the way or coming into contact with any moving part of the hoist or lift.

(5) Any such gate shall, subject to subsection (6) of this section and to section twenty-five of this Act, be fitted with efficient interlocking or other devices to secure that the gate

cannot be opened except when the cage or platform is at the landing and that the cage or platform cannot be moved away from the landing until the gate is closed.

(6) If in the case of a hoist or lift constructed or reconstructed before the thirtieth day of July, nineteen hundred and thirty-seven, it is not reasonably practicable to fit it with such devices as are mentioned in subsection (5) of this section, it shall be sufficient if the gate—

- (a) is provided with such arrangements as will secure the objects of that subsection so far as is reasonably practicable, and
- (b) is kept closed and fastened except when the cage or platform is at rest at the landing.

(7) Every hoist or lift and every such enclosure as is mentioned in subsection (4) of this section shall be so constructed as to prevent any part of any person or any goods carried in the hoist or lift from being trapped between any part of the hoist or lift and any fixed structure or between the counterbalance weight and any other moving part of the hoist or lift.

(8) There shall be marked conspicuously on every hoist or lift the maximum working load which it can safely carry, and no load greater than that load shall be carried on any hoist or lift.

23.—(1) The following additional requirements shall apply to hoists and lifts used for carrying persons, whether together with goods or otherwise:—

Hoists and lifts used for carrying persons.

- (a) efficient automatic devices shall be provided and maintained to prevent the cage or platform overrunning;
- (b) every cage shall on each side from which access is afforded to a landing be fitted with a gate, and in connection with every such gate efficient devices shall be provided to secure that, when persons or goods are in the cage, the cage cannot be raised or lowered unless the gate is closed, and will come to rest when the gate is opened.

(2) In the case of a hoist or lift constructed or reconstructed before the thirtieth day of July, nineteen hundred and thirty-seven, in connection with which it is not reasonably practicable to provide such devices as are mentioned in paragraph (b) of subsection (1) of this section it shall be sufficient if—

- (a) such arrangements are provided as will secure the objects of that paragraph so far as is reasonably practicable; and
- (b) the gate is kept closed and fastened except when the cage is at rest or empty.

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(3) In the case of a hoist or lift used as mentioned in subsection (1) of this section which was constructed or reconstructed after the twenty-ninth day of July, nineteen hundred and thirty-seven, where the platform or cage is suspended by rope or chain, there shall be at least two ropes or chains separately connected with the platform or cage, each rope or chain and its attachments being capable of carrying the whole weight of the platform or cage and its maximum working load, and efficient devices shall be provided and maintained which will support the platform or cage with its maximum working load in the event of a breakage of the ropes or chains or any of their attachments.

Teagle openings and similar doorways.

24.—(1) Every teagle opening or similar doorway used for hoisting or lowering goods or materials, whether by mechanical power or otherwise, shall be securely fenced and shall be provided with a secure hand-hold on each side.

(2) The fencing shall be properly maintained and shall, except when the hoisting or lowering of goods or materials is being carried on at the opening or doorway, be kept in position.

Exceptions and provisions supplementary to ss. 22–24.

25.—(1) For the purposes of sections twenty-two and twenty-three of this Act, no lifting machine or appliance shall be deemed to be a hoist or lift unless it has a platform or cage the direction of movement of which is restricted by a guide or guides.

(2) Subsections (3) to (8) of section twenty-two and section twenty-three of this Act shall not apply in the case of a continuous hoist or lift, and in such a case subsection (2) of the said section twenty-two shall have effect as if for the reference to six months there were substituted a reference to twelve months.

(3) Subsections (5) and (6) of the said section twenty-two and the said section twenty-three shall not apply in the case of a hoist or lift not connected with mechanical power; and in such a case—

(a) subsection (2) of the said section twenty-two shall have effect as if for the reference to six months there were substituted a reference to twelve months; and

(b) any gates to be fitted under subsection (4) of the said section twenty-two shall be kept closed and fastened except when the cage or platform is at rest at the landing.

(4) If it is shown to the satisfaction of the Minister that it would be unreasonable in the special circumstances of the case to enforce any requirement of sections twenty-two to twenty-four

of this Act or of subsection (3) of this section in respect of any class or description of hoist, lift, hoistway, liftway or teagle opening or similar doorway, he may by order direct that the requirement shall not apply as respects that class or description.

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26.—(1) The following provisions shall be complied with as respects every chain, rope or lifting tackle used for the purpose of raising or lowering persons, goods or materials:—

Chains, ropes
and lifting
tackle.

- (a) no chain, rope or lifting tackle shall be used unless it is of good construction, sound material, adequate strength and free from patent defect ;
- (b) subject to subsection (2) of this section, a table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use, and, in the case of a multiple sling, the safe working load at different angles of the legs, shall be posted in the store in which the chains, ropes or lifting tackle are kept, and in prominent positions on the premises, and no chain, rope or lifting tackle not shown in the table shall be used ;
- (c) no chain, rope or lifting tackle shall be used for any load exceeding its safe working load as shown by the table mentioned in paragraph (b) of this subsection or marked as mentioned in subsection (2) of this section ;
- (d) all chains, ropes and lifting tackle in use shall be thoroughly examined by a competent person at least once in every period of six months or at such greater intervals as the Minister may prescribe ;
- (e) no chain, rope or lifting tackle, except a fibre rope or fibre rope sling, shall be taken into use in any factory for the first time in that factory unless it has been tested and thoroughly examined by a competent person and a certificate of the test and examination specifying the safe working load and signed by the person making the test and examination has been obtained and is kept available for inspection ;
- (f) every chain and lifting tackle except a rope sling shall, unless of a class or description exempted by certificate of the chief inspector upon the ground that it is made of such material or so constructed that it cannot be subjected to heat treatment without risk of damage or that it has been subjected to some form of heat treatment (other than annealing) approved by him, be annealed at least once in every fourteen months or, in the case of chains or slings of half-inch bar or smaller, or chains used in connection with molten metal or molten slag, in every six months, except that

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chains and lifting tackle not in regular use need be annealed only when necessary ;

(g) a register containing the prescribed particulars shall be kept in respect of all such chains, ropes or lifting tackle, except fibre rope slings.

(2) Paragraph (b) of subsection (1) of this section shall not apply in relation to any lifting tackle if its safe working load or, in the case of a multiple sling, the safe working load at different angles of the legs is plainly marked upon it.

(3) In this section "lifting tackle" means chain slings, rope slings, rings, hooks, shackles and swivels.

Cranes and other lifting machines.

27.—(1) All parts and working gear, whether fixed or moveable, including the anchoring and fixing appliances, of every lifting machine shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.

(2) All such parts and gear shall be thoroughly examined by a competent person at least once in every period of fourteen months and a register shall be kept containing the prescribed particulars of every such examination ; and where the examination shows that the lifting machine cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time, the person making the report of the examination shall within twenty-eight days of the completion of the examination send a copy of the report to the inspector for the district.

(3) All rails on which a travelling crane moves and every track on which the carriage of a transporter or runway moves shall be of proper size and adequate strength and have an even running surface ; and any such rails or track shall be properly laid, adequately supported or suspended and properly maintained.

(4) There shall be plainly marked on every lifting machine its safe working load or loads, except that in the case of a jib crane so constructed that the safe working load may be varied by the raising or lowering of the jib, there shall be attached thereto either an automatic indicator of safe working loads or a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load.

(5) No lifting machine shall, except for the purpose of a test, be loaded beyond the safe working load as marked or indicated under subsection (4) of this section.

(6) No lifting machine shall be taken into use in any factory for the first time in that factory unless it has been tested and

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all such parts and working gear of the machine as are specified in subsection (1) of this section have been thoroughly examined by a competent person and a certificate of the test and examination specifying the safe working load or loads of the machine and signed by the person making the test and examination has been obtained and is kept available for inspection.

(7) If any person is employed or working on or near the wheel-track of an overhead travelling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken by warning the driver of the crane or otherwise to ensure that the crane does not approach within twenty feet of that place.

(8) If any person is employed or working otherwise than mentioned in subsection (7) of this section but in a place above floor level where he would be liable to be struck by an overhead travelling crane, or by any load carried by such a 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.

(9) In this section "lifting machine" means a crane, crab, winch, teagle, pulley block, gin wheel, transporter or runway.

28.—(1) All floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained 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.

(2) For every staircase in a building or affording a means of exit from a building, a substantial hand-rail shall be provided and maintained, which, if the staircase has an open side, shall be on that side, and in the case of a staircase having two open sides or of a staircase which, owing to the nature of its construction or the condition of the surface of the steps or other special circumstances, is specially liable to cause accidents, such a hand-rail shall be provided and maintained on both sides.

(3) Any open side of a staircase shall also be guarded by the provision and maintenance of a lower rail or other effective means.

(4) All openings in floors shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.

(5) All ladders shall be soundly constructed and properly maintained.

29.—(1) There shall, so far as is reasonably practicable, be provided and maintained safe means of access to every place at which any person has at any time to work, and every such place shall, so far as is reasonably practicable, be made and kept safe for any person working there. Safe means of access and safe place of employment.

PART II

(2) Where any person has to work at a place from which he will be liable to fall a distance more than six feet six inches, then, unless the place is one which affords secure foothold and, where necessary, secure hand-hold, means shall be provided, so far as is reasonably practicable, by fencing or otherwise, for ensuring his safety.

Dangerous fumes and lack of oxygen.

30.—(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 manhole, 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.

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(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.

31.—(1) Where, in connection with any grinding, sieving, or other process giving rise to dust, there may escape dust of such a character and to such an extent as to be liable to explode on ignition, all practicable steps shall be taken to prevent such an explosion by enclosure of the plant used in the process, and by removal or prevention of accumulation of any dust that may escape in spite of the enclosure, and by exclusion or effective enclosure of possible sources of ignition.

Precautions with respect to explosive or inflammable dust, gas, vapour or substance.

(2) Where there is present in any plant used in any such process as aforesaid dust of such a character and to such an extent as to be liable to explode on ignition, then, unless the plant is so constructed as to withstand the pressure likely to be produced by any such explosion, all practicable steps shall be taken to restrict the spread and effects of such an explosion by the provision, in connection with the plant, of chokes, baffles and vents, or other equally effective appliances.

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(3) Where any part of a plant contains any explosive or inflammable gas or vapour under pressure greater than atmospheric pressure, that part shall not be opened, except in accordance with the following provisions:—

- (a) before the fastening of any joint of any pipe connected with the part of the plant or the fastening of the cover of any opening into the part is loosened, any flow of the gas or vapour into the part or into any such pipe shall be effectively stopped by a stop-valve or otherwise;
- (b) before any such fastening is removed, all practicable steps shall be taken to reduce the pressure of the gas or vapour in the pipe or part of the plant to atmospheric pressure;

and if any such fastening has been loosened or removed, no explosive or inflammable gas or vapour shall be allowed to enter the pipe or part of the plant until the fastening has been secured or, as the case may be, securely replaced; but nothing in this subsection applies to a plant installed in the open air.

(4) No plant, tank or vessel which contains or has contained any explosive or inflammable substance shall be subjected—

- (a) to any welding, brazing or soldering operation;
- (b) to any cutting operation which involves the application of heat; or
- (c) to any operation involving the application of heat for the purpose of taking apart or removing the plant, tank or vessel or any part of it;

until all practicable steps have been taken to remove the substance and any fumes arising from it, or to render them non-explosive or non-inflammable; and if any plant, tank or vessel has been subjected to any such operation, no explosive or inflammable substance shall be allowed to enter the plant, tank or vessel until the metal has cooled sufficiently to prevent any risk of igniting the substance.

(5) The chief inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of subsections (3) and (4) of this section in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

Steam boilers
—attachments
and
construction.

32.—(1) Subject to subsection (3) of this section, every steam boiler, whether separate or one of a range,—

- (a) shall have attached to it the devices mentioned in subsection (2) of this section;
- (b) shall be provided with means for attaching a test pressure gauge; and

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(c) shall, unless externally fired, be provided with a suitable fusible plug or an efficient low-water alarm device.

(2) The devices referred to in subsection (1) of this section are—

(a) a suitable safety valve, separate from any stop-valve, which shall be so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure and shall be fixed directly to, or as close as practicable to, the boiler ;

(b) a suitable stop-valve connecting the boiler to the steam pipe ;

(c) a correct steam pressure gauge connected to the steam space and easily visible by the boiler attendant, which shall indicate the pressure of steam in the boiler in pounds per square inch, and have marked on it in a distinctive colour the maximum permissible working pressure ;

(d) at least one water gauge of transparent material or other type approved by the chief inspector to show the water level in the boiler, together, if the gauge is of the glass tubular type and the working pressure of the boiler normally exceeds forty pounds per square inch, with an efficient guard provided so as not to obstruct the reading of the gauge ;

(e) where the boiler is one of two or more boilers, a plate bearing a distinctive number which shall be easily visible.

(3) Paragraph (b) of subsection (2) of this section shall not apply with respect to economisers, and paragraphs (c), (d) and (e) of that subsection and paragraphs (b) and (c) of subsection (1) of this section shall not apply with respect to either economisers or superheaters.

(4) For the purposes of the foregoing provisions of this section, a lever-valve shall not be deemed a suitable safety valve unless the weight is secured on the lever in the correct position

(5) Every part of every steam boiler shall be of good construction, sound material and adequate strength, and free from patent defect.

33.—(1) Every steam boiler and all its fittings and attachments shall be properly maintained.

Steam boilers
—maintenance,
examination
and use.

(2) 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

PART II 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.

(3) 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 (2) 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.

(4) A report of the result of every examination under this section in the prescribed form and containing the prescribed particulars (including the maximum permissible working pressure) shall as soon as practicable and in any case within twenty-eight days, or such other period as the Minister may by special regulations prescribe, after the completion of the examination, be entered in or attached to the general register, and the report shall be signed by the person making the examination, and if that person is an inspector of a boiler-inspecting company or association, countersigned by the chief engineer of the company or association or by such other responsible officer of the company or association as may be authorised in writing in that behalf by the chief engineer.

(5) No new steam boiler shall be taken into use unless there has been obtained from the manufacturer of the boiler, or from a boiler-inspecting company or association, a certificate specifying its maximum permissible working pressure, and stating the nature of the tests to which the boiler and fittings have been submitted, and the certificate is kept available for inspection, and the boiler is so marked as to enable it to be identified as the boiler to which the certificate relates.

(6) Where the report of any examination under this section specifies conditions for securing the safe working of a steam boiler, the boiler shall not be used except in accordance with those conditions.

(7) The person making the report of an examination under this section or, in the case of a boiler-inspecting company or association, the chief engineer thereof, shall within twenty-eight days, or such other period as the Minister may by special regulations prescribe, after the completion of the examination send to the inspector for the district a copy of the report in every case where the maximum permissible working pressure is reduced, or the examination shows that the boiler cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.

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(8) If the person employed to make any such examination fails to make a thorough examination as required by this section or makes a report which is false or deficient in any material particular, or if the chief engineer of any boiler-inspecting company or association permits any such report to be made, he shall be guilty of an offence and liable to a fine not exceeding one hundred pounds, and if any such person or chief engineer fails to send to the inspector for the district a copy of any report as required by subsection (7) of this section, he shall be guilty of an offence.

(9) If the chief inspector is not satisfied as to the competency of the person employed to make the examination or as to the thoroughness of the examination, he may require the boiler to be re-examined by a person nominated by him, and the occupier shall give the necessary facilities for the re-examination.

(10) If as a result of the re-examination it appears that the report of the examination was inadequate or inaccurate in any material particular, the cost of the re-examination shall be recoverable from the occupier, and the report of the re-examination purporting to be signed by the person making it shall be admissible in evidence of the facts stated therein.

(11) Any sum recoverable under subsection (10) of this section shall, in England and Wales, be recoverable summarily as a civil debt.

34. No person shall enter or be in any steam boiler which is one of a range of two or more steam boilers unless—

Steam boilers
—restrictions
on entry.

- (a) all inlets through which steam or hot water might otherwise enter the boiler from any other part of the range are disconnected from that part; or
- (b) all valves or taps controlling the entry of steam or hot water are closed and securely locked, and, where the boiler has a blow-off pipe in common with one or more other boilers or delivering into a common blow-off vessel or sump, the blow-off valve or tap on each such boiler is so constructed that it can only be opened by a key which cannot be removed until the valve or tap is closed and is the only key in use for that set of blow-off valves or taps.

35.—(1) Every steam receiver, not so constructed and maintained as to withstand with safety the maximum permissible working pressure of the boiler or the maximum pressure which can be obtained in the pipe connecting the receiver with any other source of supply, shall be fitted with—

Steam receivers
and steam
containers.

- (a) a suitable reducing valve or other suitable automatic appliance to prevent the safe working pressure being exceeded; and

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- (b) a suitable safety valve so adjusted as to permit the steam to escape as soon as the safe working pressure is exceeded, or a suitable appliance for cutting off automatically the supply of steam as soon as the safe working pressure is exceeded ; and
- (c) a correct steam pressure gauge, which must indicate the pressure of steam in the receiver in pounds per square inch ; and
- (d) a suitable stop valve ; and
- (e) except where only one steam receiver is in use, a plate bearing a distinctive number which shall be easily visible.

(2) The safety valve and pressure gauge shall be fitted either on the steam receiver or on the supply pipe between the receiver and the reducing valve or other appliance to prevent the safe working pressure being exceeded.

(3) Where any set of receivers is supplied with steam through a single pipe and the reducing valve or other appliance required by paragraph (a) of subsection (1) of this section is fitted on that pipe, the set shall be treated as one receiver for the purposes of paragraphs (a) to (c) of subsection (1) and for the purposes of subsection (2) of this section, and if the set forms part of a single machine, also for the purposes of paragraph (d) of the said subsection (1).

(4) Every part of every steam receiver shall be of good construction, sound material, adequate strength and free from patent defect.

(5) Every steam receiver and its fittings shall be properly maintained, and shall be thoroughly examined by a competent person, so far as the construction of the receiver permits, at least once in every period of twenty-six months.

(6) A report of the result of every such examination containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register.

(7) Every steam container shall be so maintained as to secure that the outlet is at all times kept open and free from obstruction.

(8) In this section—

“ safe working pressure ” means, in the case of a new steam receiver, that specified by the maker, and in the case of a steam receiver which has been examined in accordance with the provisions of this section, that specified in the report of the last examination ;

“ steam receiver ” means any vessel or apparatus (other than a steam boiler, steam container, a steam pipe or coil,

or a part of a prime mover) used for containing steam under pressure greater than atmospheric pressure ;

PART II

“ steam container ” means any vessel (other than a steam pipe or coil) constructed with a permanent outlet into the atmosphere or into a space where the pressure does not exceed atmospheric pressure, and through which steam is passed at atmospheric pressure or at approximately that pressure for the purpose of heating, boiling, drying, evaporating or other similar purpose.

36.—(1) Every air receiver—

Air receivers.

- (a) shall have marked on it so as to be plainly visible the safe working pressure ; and
- (b) if it is connected with an air compressing plant, shall either be so constructed as to withstand with safety the maximum pressure that can be obtained in the compressor, or be fitted with a suitable reducing valve or other suitable appliance to prevent the safe working pressure of the receiver being exceeded ; and
- (c) shall be fitted with a suitable safety valve so adjusted as to permit the air to escape as soon as the safe working pressure is exceeded ; and
- (d) shall be fitted with a correct pressure gauge indicating the pressure in the receiver in pounds per square inch ; and
- (e) shall be fitted with a suitable appliance for draining the receiver ; and
- (f) shall be provided with a suitable manhole, handhole, or other means which will allow the interior to be thoroughly cleaned ; and
- (g) in a case where more than one receiver is in use in the factory, shall bear a distinguishing mark which shall be easily visible.

(2) For the purposes of the provisions of subsection (1) of this section relating to safety valves and pressure gauges, any set of air receivers supplied with air through a single pipe may be treated as one receiver but, where a suitable reducing valve or other suitable appliance to prevent the safe working pressure being exceeded is required to be fitted, only if the valve or appliance is fitted on that pipe.

(3) Every air receiver and its fittings shall be of sound construction and properly maintained.

(4) Every air receiver shall be thoroughly cleaned and examined at least once in every period of twenty-six months.

PART II except that in the case of a receiver of solid drawn construction—

- (a) the person making any such examination may specify in writing a period exceeding twenty-six months but not exceeding four years within which the next examination is to be made; and
- (b) if it is so constructed that the internal surface cannot be thoroughly examined, a suitable hydraulic test of the receiver shall be carried out in lieu of internal examination.

(5) Every such examination and test shall be carried out by a competent person, and a report of the result of every such examination and test, containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register.

(6) In this section “air receiver” means—

- (a) any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor) for containing compressed air and connected with an air compressing plant; or
- (b) any fixed vessel for containing compressed air or compressed exhaust gases and used for the purpose of starting an internal combustion engine; or
- (c) any fixed or portable vessel (not being part of a spraying pistol) used for the purpose of spraying by means of compressed air any paint, varnish, lacquer or similar material; or
- (d) any vessel in which oil is stored and from which it is forced by compressed air;

but paragraph (e) of subsection (1) of this section shall not apply to any such vessel as is mentioned in paragraph (c) or paragraph (d) of this subsection.

Exceptions as to steam boilers, steam receivers and containers, and air receivers.

37.—(1) Sections thirty-two to thirty-four of this Act do not apply to any boiler belonging to or exclusively used in the service of Her Majesty or belonging to and used by the United Kingdom Atomic Energy Authority, or to the boiler of any ship or of any locomotive which belongs to and is used by any railway company.

(2) The chief inspector may by certificate except from any of the provisions of sections thirty-two to thirty-six of this Act any class or type of steam boiler, steam receiver, steam container or air receiver to which he is satisfied that the provision cannot reasonably be applied.

(3) Any such exception may be unqualified or may be subject to such conditions as may be contained in the certificate.

38. In this Part of this Act “ steam boiler ” means any closed vessel in which for any purpose steam is generated under pressure greater than atmospheric pressure, and includes any economiser used to heat water being fed to any such vessel, and any superheater used for heating steam ; and “ maximum permissible working pressure ”, in relation to any steam boiler, means (except in subsections (4) and (5) of section thirty-three) that specified in the report of the last examination under that section.

PART II
Steam boilers
—supple-
mentary
provisions.

39.—(1) Every gasholder shall be of sound construction and shall be properly maintained.

Precautions
as respects
water-sealed
gasholders.

(2) Every gasholder shall be thoroughly examined externally by a competent person at least once in every period of two years, and a record containing the prescribed particulars of every such examination shall be entered in or attached to the general register.

(3) In the case of a gasholder of which any lift has been in use for more than twenty years, the internal state of the sheeting shall, at least once in every period of ten years, be examined by a competent person by cutting samples from the crown and sides of the holder or by other sufficient means, and all samples so cut and a report on every such examination signed by the person making it shall be kept available for inspection.

(4) A record signed by the occupier of the factory or by a responsible official authorised in that behalf showing the date of the construction, as nearly as it can be ascertained, of the oldest lift of every gasholder in the factory shall be kept available for inspection.

(5) Where there is more than one gasholder in the factory, every gasholder shall be marked in a conspicuous position with a distinguishing number or letter.

(6) No gasholder shall be repaired or demolished except under the direct supervision of a person who, by his training and experience and his knowledge of the necessary precautions against risks of explosion and of persons being overcome by gas, is competent to supervise such work.

(7) In this section “ gas holder ” means a water-sealed gas-holder which has a storage capacity of not less than five thousand cubic feet.

40.—(1) Subject to subsection (2) of this section, no premises shall be used as a factory to which this section applies unless there is in force with respect to the premises a certificate of the fire authority that the premises are provided with such means of escape in case of fire for the persons employed in the factory as may reasonably be required in the circumstances of the case.

Means of
escape in case
of fire—
certification by
fire authority.

PART II

(2) Where an application to certify any premises under this section is made in the prescribed form to the fire authority and, if regulations made by the Minister so require, the application is accompanied by such plans as may be prescribed in the regulations, subsection (1) of this section shall not apply to the use of the premises after the making of the application and before the grant or refusal of the certificate.

(3) If any premises are used in contravention of this section the occupier shall be guilty of an offence and liable to a fine not exceeding two hundred pounds and, if the contravention is continued after conviction, he shall (subject to section one hundred and fifty-seven of this Act) be guilty of a further offence and liable to a fine not exceeding twenty pounds for each day on which the contravention is so continued.

(4) Where on the making of an application for a certificate under this section 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.

(5) The fire authority shall examine every factory to which this section applies and, on being satisfied that it is provided with such means of escape as is mentioned in subsection (1) of this section, give a certificate under this section.

(6) The certificate shall specify precisely and in detail the means of escape provided and shall contain particulars as to the maximum number of persons employed or proposed to be employed in the factory as a whole and, if the authority thinks fit, in any specified part thereof, and as to any explosive or highly inflammable material stored or used and as to other matters taken into account in granting the certificate.

(7) The certificate shall be attached by the occupier to the general register and a copy of it shall be sent by the fire authority to the inspector for the district.

Means of
escape in case
of fire—
maintenance,
inspection, etc.

41.—(1) All means of escape specified in a certificate under section forty of this Act shall be properly maintained and kept free from obstruction.

(2) After a certificate under section forty of this Act has been given with respect to any factory the fire authority may 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 in case of fire have become insufficient.

PART II

(3) If, after the grant of such a certificate, it is proposed to make any material extension or material structural alteration of the factory premises or to increase materially the number of persons employed in the factory or in any part specified in the certificate, or to begin to store or use explosive or highly inflammable material in the factory or materially to increase the extent of such storage or use, the occupier shall give notice in writing of the proposal to the fire authority.

(4) If the fire authority on receipt of the notice are of opinion that the conditions in regard to escape in case of fire will be affected, or if at any time they are satisfied that by reason of changed conditions the existing means of escape have become insufficient, they may by notice in writing require the occupier to make such alterations, within such period, as may be specified in the notice.

(5) If it appears to an inspector that dangerous conditions in regard to escape in case of fire exist in any factory to which section forty of this Act applies he may give notice thereof in writing to the fire authority, and it shall be the duty of the authority forthwith to examine the factory, and they may by notice in writing require the occupier to make such alterations, within such period, as may be specified in the notice.

(6) The occupier shall, within the period specified in any notice of the fire authority under this section, carry out any alterations required by the notice, and upon their being carried out the authority shall amend the certificate or issue a new certificate; and if the alterations are not so carried out, the authority shall, without prejudice to the taking of other proceedings, cancel the certificate.

(7) If it appears to an inspector that the conditions in regard to escape in case of fire in any factory to which section forty of this Act applies are so dangerous that the factory or any part thereof ought not to be used, or ought not to be used for a particular process or work, until steps have been taken to remedy the danger, he may, in lieu of serving a notice on the fire authority under the foregoing provisions of this section, make a complaint to a magistrates' court, and the court may, on being satisfied of those matters, by order prohibit the use of the factory or part thereof, or its use for the particular process or work, until such works have been executed as are in the opinion of the court necessary to remedy the danger.

PART II
Means of escape in case of fire—
exchange of information, consultation and action in default.

42.—(1) The fire authority shall inform the inspector for the district in any case in which a certificate under section forty of this Act has been, or is deemed to have been, refused or has been cancelled.

(2) The fire authority shall send a copy of any certificate amended, and of any new certificate issued by them under subsection (6) of section forty-one of this Act, to the inspector for the district.

(3) Where any works have been executed in any factory in pursuance of an order under subsection (7) of section forty-one of this Act, the inspector shall give notice thereof to the fire authority, who shall amend any certificate in force under section forty of this Act in respect of the factory, or issue a new certificate, as the case may require.

(4) Before specifying, for the purposes of section forty or section forty-one of this Act, 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.

(5) Where notice is given by an inspector to a fire authority under subsection (5) of section forty-one of this Act, with respect to dangerous conditions in any factory, the authority shall inform the inspector of any action taken for remedying the dangerous conditions and, if no such action is taken by them within one month of the receipt of the notice, the inspector may take the like action as the authority might have taken and shall be entitled to recover from the authority all such expenses as he may incur in doing so and as are not recovered from any other person and are not expenses incurred in or about any unsuccessful legal proceedings.

(6) Any sum recoverable under subsection (5) of this section shall, in England and Wales, be recoverable summarily as a civil debt.

Means of escape in case of fire—
right of appeal of occupier against refusal of certificate, etc.

43. If the occupier of any factory is aggrieved by the refusal of a fire authority to grant a certificate under section forty of this Act or to amend such a certificate or by being required by the fire authority under section forty-one of this Act or by an inspector under section forty-two thereof to carry out any alterations at the factory, or by the period within which he is required to carry them out, or by the cancellation of such a certificate, he may appeal, within twenty-one days of the refusal, notice of requirement, or cancellation, to a magistrates' court and, pending final determination of the appeal, no offence shall be deemed to be committed under section forty of this Act by reason that the premises to which the appeal relates are used as a factory without a certificate being in force with respect thereto.

44.—(1) Subject to subsection (2) of this section, a factory or part of a factory forming part of a building from all parts of which means of escape in case of fire have been provided in accordance with the requirements of Part V of the London Building Acts (Amendment) Act, 1939, and are maintained, shall be entitled to receive a certificate under section forty of this Act, and pending the receipt of the certificate no offence shall be deemed to be committed under that section by reason of the use of the factory while no such certificate is in force with respect thereto.

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Means of escape in case of fire—special provisions as to London.

(2) Subsection (1) of this section does not apply to any factory or part thereof if, since the means of escape were provided, any action has been taken of which notice would, if a certificate under section forty of this Act had been granted, have been required to be given to the fire authority.

45. Section forty of this Act applies to every factory—

- (a) in which more than twenty persons are employed ; or
- (b) which was being constructed or converted for use as a factory at the date of the passing of the Factories Act, 1937 (that is to say the thirtieth day of July, nineteen hundred and thirty-seven) or was constructed or so converted after that date, and in which more than ten persons are employed in the same building on any floor above the ground floor of the building ; or
- (c) of which the construction was completed before the said date and in which more than ten persons are employed in the same building above the first floor of the building or more than twenty feet above the ground level ; or
- (d) in or under which explosive or highly inflammable materials are stored or used ;

Means of escape in case of fire—factories to which s. 40 applies.

and the Minister may by regulations provide that that section shall also apply to any class or description of factory specified in the regulations.

46.—(1) The Minister may make regulations as to the means of escape in case of fire to be provided in factories or any class or description of factory.

Means of escape in case of fire—regulations and bye-laws.

(2) It shall be the duty of the fire authority to see that the regulations are complied with and the provisions of Part I of this Act as to the power to act in default of a district council shall (with the necessary modifications) apply in the case of any default of a fire authority under this subsection.

(3) If a certificate has been issued under section forty of this Act in respect of a factory which is not in conformity with the regulations under this section, the fire authority shall serve a

PART II notice on the occupier of the factory requiring him to make, within a specified period, such alterations as they consider necessary to bring the factory into conformity with the regulations, and the provisions of sections forty-one and forty-three of this Act shall apply in relation to any such notice as they apply in relation to a notice of the fire authority under the said section forty-one.

(4) Every fire authority shall in addition to any powers which they possess with reference to the prevention of fire, have power to make byelaws as to the means of escape in case of fire to be provided in factories or any class or description of factory, but such byelaws shall be void in so far as they contain any provisions inconsistent with any regulations made by the Minister under this section.

(5) The Minister of Housing and Local Government, or, in Scotland, the Secretary of State shall be the confirming authority for any byelaws made under subsection (4) of this section.

(6) 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 subsection (4) of this section 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.

(7) This section shall in its application to the Administrative County of London have effect as if subsections (5) and (6) were omitted, and as if the matters with respect to which byelaws may be made under this section were included in the matters with respect to which the London County Council may make byelaws under section four of the London Building Act (Amendment) Act, 1935, and as if any byelaws made under this section were made under the said section four.

Means of escape in case of fire—provisions as to fire authority.

47.—(1) An examination by a fire authority under section forty or section forty-one of this Act may be carried out either by an officer of the authority authorised by them in writing 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.

(2) In sections forty to forty-six of this Act and this section, “fire authority” means, in relation to any area, the authority

for the time being constituted the fire authority for that area by the Fire Services Act, 1947; except that—

- (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 the 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.

(3) A change in the authority which is the fire authority in relation to any area shall not affect the validity of any byelaw made under section forty-six of this Act or of any certificate under section forty thereof issued by the authority exercising functions under those sections before the change, or of any notice given under section forty-one, forty-two or forty-six of this Act by or to that authority; but the authority ceasing to exercise those functions shall send to the authority exercising them after the change a copy of any certificate under the said section forty which relates to a factory in the area in relation to which the last-mentioned authority are the fire authority and of any such notice which relates to such a factory and was given within twelve months before that time.

48.—(1) While any person is within a factory for the purpose of employment or meals, the doors of the factory, and of any room therein in which he is, and any doors which afford a means of exit for persons employed in the factory from any building or from any enclosure in which the factory is situated, shall not be locked or fastened in such manner that they cannot be easily and immediately opened from the inside. Safety provisions in case of fire.

(2) Any doors opening on to any staircase or corridor from any room in which more than ten persons are employed, and in the case of any factory constructed or converted for use as a factory after the end of June, nineteen hundred and thirty-eight, all other doors affording a means of exit from the factory for persons employed therein, shall, except in the case of sliding doors, be constructed to open outwards.

(3) In any factory constructed or converted for use as a factory before July, nineteen hundred and thirty-eight, in which more than ten persons are employed in the same building above the ground floor, any door which is not kept continuously open, at the foot of a staircase affording a means of exit from the building, shall, except in the case of sliding doors, be constructed to open outwards.

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(4) Every hoistway or liftway inside a building constructed after the end of June, nineteen hundred and thirty-eight, shall be completely enclosed with fire-resisting materials, and all means of access to the hoist or lift shall be fitted with doors of fire-resisting materials; except that any such hoistway or liftway which is not provided with a vent at the top shall at the top be enclosed only by some material easily broken by fire.

(5) The chief inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of subsections (2) to (4) of this section in any case where he is satisfied that compliance with those requirements is inappropriate or undesirable.

(6) Every window, door or other exit affording means of escape in case of fire or giving access thereto, other than the means of exit in ordinary use, shall be distinctively and conspicuously marked by a notice printed in letters of adequate size.

(7) In every building which is, forms part of or comprises a factory to which section forty 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.

(8) The Minister may by regulations apply the provisions of subsection (7) of this section to any class or description of factory.

(9) The Minister may by order grant exemption from or modify the requirements of subsection (7) of this section 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.

(10) The contents of any room in which persons are employed shall be so arranged or disposed that there is a free passage-way for all persons employed in the room to a means of escape in case of fire.

Instruction as to use of means of escape in case of fire.

49.—(1) Where in any factory more than twenty persons are employed in the same building above the first floor or more than twenty feet above ground level, or explosive or highly inflammable materials are stored or used in any building where persons are employed, effective steps shall be taken to ensure that all the persons employed are familiar with the means of escape in case of fire and their use and with the routine to be followed in case of fire.

(2) The Minister may by regulations apply the provisions of subsection (1) of this section to any class or description of factory.

(3) The Minister may make regulations as to the steps to be taken for the purposes of subsection (1) of this section in factories to which that subsection applies, or any class or description thereof.

50.—(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. Prevention of fire.

(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.

51.—(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. Fire fighting.

(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.

PART II
Testing or
examination of
fire warnings.

52.—(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 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
Minister to
require special
safety
arrangements
for the
prevention of
accidents.

53. Where it appears to the Minister that, in view of the number and nature of accidents occurring in any factory or class or description of factory, special provision ought to be made at that factory or at factories of that class or description to secure the safety of persons employed therein, he may make special regulations requiring the occupier to make such reasonable provision by arrangements for special supervision in regard to safety, investigation of the circumstances and causes of accidents, and otherwise as may be specified in the regulations.

Power to make
orders as to
dangerous
conditions
and practices.

54.—(1) If on complaint by an inspector a magistrates' court is satisfied either—

(a) that any part of the ways, works, machinery, or plant used in a factory is in such condition or is so constructed or is so placed that it cannot be used without risk of bodily injury ; or

(b) that any process or work is carried on or anything is or has been done in any factory in such a manner as to cause risk of bodily injury ;

the court shall, as the case may require, by order—

(i) prohibit the use of that part of the ways, works, machinery or plant, or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered ; or

(ii) require the occupier to take such steps as may be specified in the order for remedying the danger complained of.

(2) Where a complaint is or has been made under subsection (1) of this section, the court may, on application *ex parte* by the inspector, and on receiving evidence that the use of any such part of the ways, works, machinery, or plant, or, as the case may be, the carrying on of any process or work or the doing

of anything in such a manner as aforesaid, involves imminent risk of serious bodily injury, make an interim order prohibiting, either absolutely or subject to conditions, the use, carrying on or doing thereof until the earliest opportunity for hearing and determining the complaint.

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(3) In exercising its powers under subsection (2) of this section the court may be composed of a single justice.

55.—(1) Where a magistrates' court is satisfied on complaint by an inspector that any premises which are or are part of or are intended to be used as a factory are in such condition, or are so constructed or placed, that any process or work carried on therein, or intended to be carried on therein, cannot be so carried on with due regard to the safety, health and welfare of the persons employed, the court may by order prohibit the use thereof for the purpose of that process or work and, in the case of premises which are intended for use as a factory, the court may make the like order if satisfied on complaint by an inspector that the process or work cannot be carried on therein without a contravention of this Act or a regulation or order made thereunder.

Power to make orders as to safety of factory premises.

(2) The carrying on of any process or work may, by an order under subsection (1) of this section, be prohibited either indefinitely, or until such steps have been taken as may be specified in the order to enable the process or work to be carried on with due regard to the safety, health and welfare of the persons employed or without such a contravention as aforesaid, as the case may be; but any such order may be revoked or varied on the application by way of complaint of the occupier or owner of the premises.

(3) On any application for the revocation or variation of an order under subsection (1) of this section the inspector for the district shall be entitled to be heard.

56. In the application of this Part of this Act to Scotland, for any reference to a magistrates' court there shall be substituted a reference to the sheriff, for any reference to a complaint a reference to a summary application, and subsection (3) of section fifty-four shall be omitted.

Application of Part II to Scotland.

PART III

WELFARE (GENERAL PROVISIONS)

57.—(1) There shall be provided and maintained at suitable points conveniently accessible to all persons employed an adequate supply of wholesome drinking water from a public main or from some other source approved in writing by the district council.

Supply of drinking water.

(2) A supply of drinking water which is not laid on shall be contained in suitable vessels, and shall be renewed at least daily, and all practicable steps shall be taken to preserve the

PART III

water and vessels from contamination; and a drinking water supply (whether laid on or not) shall, in such cases as the inspector for the district may direct, be clearly marked "Drinking Water".

(3) Except where the water is delivered in an upward jet from which employed persons can conveniently drink, one or more suitable cups or drinking vessels shall be provided at each point of supply with facilities for rinsing them in drinking water.

(4) The approval required under subsection (1) of this section shall not be withheld except on the ground that the water is not wholesome.

Washing facilities.

58.—(1) There shall be provided and maintained for the use of employed persons adequate and suitable facilities for washing which shall include a supply of clean running hot and cold or warm water and, in addition, soap and clean towels or other suitable means of cleaning or drying; and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.

(2) The Minister may by regulations prescribe, either generally or as respects any class or description of factory or as respects the persons employed in any process, a standard of adequate and suitable washing facilities.

(3) The Minister may by regulations provide for the exemption of factories from any of the requirements of this section in cases where, by reason of the difficulty of obtaining an adequate supply of water, or the fact that accommodation is restricted and adequate and suitable washing facilities are otherwise conveniently available, or such other special circumstances as may be specified in the regulations, the application of the requirement would in his opinion be unreasonable.

(4) Without prejudice to subsection (3) of this section, 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.

Accommodation for clothing.

59.—(1) There shall be provided and maintained for the use of employed persons adequate and suitable accommodation for clothing not worn during working hours; and such arrangements as are reasonably practicable or, when a standard is prescribed, such arrangements as are laid down thereby shall be made for drying such clothing.

(2) The Minister may by regulations prescribe, either generally or as respects any class or description of factory, a standard of adequate and suitable accommodation for such clothing and of arrangements for drying such clothing.

(3) The Minister may by regulations provide for the exemption of factories from any of the requirements of this section in cases where by reason of such special circumstances as may be specified in the regulations the application of the requirement would in his opinion be unreasonable.

60.—(1) Where any employed persons have in the course of their employment reasonable opportunities for sitting without detriment to their work, there shall be provided and maintained for their use suitable facilities for sitting sufficient to enable them to take advantage of those opportunities. Sitting facilities.

(2) Where a substantial proportion of any work can properly be done sitting—

(a) there shall be provided and maintained for any employed person doing that work a seat of a design, construction and dimensions suitable for him and the work, together with a foot-rest on which he can readily and comfortably support his feet if he cannot do so without a foot-rest, and

(b) the arrangements shall be such that the seat is adequately and properly supported while in use for the purpose for which it is provided.

(3) For the purposes of subsection (2) of this section the dimensions of a seat which is adjustable shall be taken to be its dimensions as for the time being adjusted.

61.—(1) There shall be provided and maintained so as to be readily accessible a first-aid box or cupboard of the prescribed standard, and where more than one hundred and fifty persons are employed an additional box or cupboard for every additional one hundred and fifty persons. First-aid.

(2) For the purposes of subsection (1) of this section the number of persons employed in a factory shall be taken to be the largest number of persons employed therein at any one time, and any fraction of one hundred and fifty shall be reckoned as one hundred and fifty.

(3) Nothing except appliances or requisites for first-aid shall be kept in a first-aid box or cupboard.

(4) Each first-aid box or cupboard shall be placed under the charge of a responsible person who shall, in the case of a factory where more than fifty persons or more than such lower number of persons as the Minister may by regulations prescribe, are employed, be trained in first-aid treatment, and the person in charge shall always be readily available during working hours.

(5) A notice shall be affixed in every workroom stating the name of the person in charge of the first-aid box or cupboard provided in respect of that room.

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(6) For the purposes of subsection (4) of this section a person shall not be deemed to be trained in first-aid treatment unless he satisfies the prescribed conditions.

(7) Where a contravention of subsection (4) of this section is committed through a failure to comply with so much thereof as requires the person in charge of a first-aid box or cupboard to be trained in first-aid treatment, it shall be a defence in any proceedings for the contravention to prove that the accused made all reasonable efforts to secure compliance but was unable to do so.

(8) If an ambulance room is provided at the factory and such arrangements are made as to ensure the immediate treatment there of all injuries occurring in the factory, the chief inspector may by certificate exempt the factory from the requirements of this section to such extent and subject to such conditions as he may specify in the certificate.

Welfare regulations.

62.—(1) Where it appears to the Minister that owing to the conditions and circumstances of employment or the nature of the processes carried on, provision requires to be made in relation to any of the matters to which this section applies for securing the welfare of the persons employed or any class of them, he may make special regulations requiring such reasonable steps to be taken in connection therewith as may be specified in the regulations, either in addition to, or in substitution for, or by way of extension or variation of, any of the foregoing provisions of this Part of this Act.

(2) This section applies to the matters dealt with in the foregoing provisions of this Part of this Act; to arrangements for preparing or heating, and taking, meals; to the supply of protective clothing; to ambulance and first-aid arrangements; to the supply and use of seats in workrooms; to rest rooms; and to arrangements for the supervision of persons employed.

(3) This section does not apply to factories in which the only persons employed are members of the same family dwelling there.

(4) Special regulations under this section are in this Act referred to as “welfare regulations” and any such regulations may—

- (a) be made for a particular factory or for factories of any class or description;
- (b) be made contingent in respect of particular requirements upon application being made by a specified number or proportion of the employed persons concerned, and prescribe the manner in which the views of the persons employed are to be ascertained;
- (c) provide for the employed persons concerned being associated in the management of the arrangements, accommodation or other facilities for which provision

is made, in any case where a portion of the cost is contributed by the persons employed; but no contribution shall be required from the persons employed in any factory, except for the purpose of providing additional or special benefits which, in the opinion of the Minister, could not reasonably be required to be provided by the employer alone, and unless two-thirds at least of the employed persons affected in that factory, on their views being ascertained in the prescribed manner, assent.

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(5) Welfare regulations may impose duties on owners and, so far as relates to the use of any facilities provided, on employed persons.

(6) The Minister may by regulations extend the matters to which this section applies so as to include other matters affecting the welfare of employed persons or any class of them.

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HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND REGULATIONS)

Special provisions

63.—(1) In every factory in which, in connection with any process carried on, there is given off any dust or fume or other impurity of such a character and to such extent as to be likely to be injurious or offensive to the persons employed, or any substantial quantity of dust of any kind, all practicable measures shall be taken to protect the persons employed against inhalation of the dust or fume or other impurity and to prevent its accumulating in any workroom, and in particular, where the nature of the process makes it practicable, exhaust appliances shall be provided and maintained, as near as possible to the point of origin of the dust or fume or other impurity, so as to prevent its entering the air of any workroom. Removal of dust or fumes.

(2) No stationary internal combustion engine shall be used unless—

- (a) provision is made for conducting the exhaust gases from the engine into the open air; and
- (b) the engine (except when used for the purpose of being tested) is so partitioned off from any workroom or part of a workroom in which persons are employed, other than persons attending to the engine, as to prevent any injurious fumes from the engine entering the air of the room or part of the room.

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Meals in
certain
dangerous
trades.

64.—(1) Where in any room lead, arsenic or any other poisonous substance is so used as to give rise to any dust or fume, a person shall not be permitted to partake of food or drink in that room or to remain in that room during the intervals allowed to him for meals or rest other than intervals allowed in the course of a spell of continuous employment.

(2) Where in any room a process prescribed by regulations made by the Minister is carried on, being a process which gives rise to siliceous dust or asbestos dust, a person shall not be permitted to remain in that room during the intervals allowed to him for meals or rest other than intervals allowed in the course of a spell of continuous employment.

(3) Suitable provision shall be made for enabling the persons employed in any such room as is mentioned in subsections (1) and (2) of this section to take their meals, elsewhere in the factory.

(4) Where it appears to the Minister that, by reason of the nature of any process, it is injurious to health or otherwise undesirable to take meals in rooms where that process is carried on or to remain therein during the intervals allowed for meals or rest, he may, if he thinks fit, by regulations extend all or any of the provisions of subsections (1) and (3) of this section to rooms where that process is carried on.

Protection of
eyes in certain
processes.

65. In the case of any such process as may be specified by regulations of the Minister, being a process which involves a special risk of injury to the eyes from particles or fragments thrown off in the course of the process, suitable goggles or effective screens shall, in accordance with any directions given by the regulations, be provided to protect the eyes of the persons employed in the process.

Shuttle
threading by
mouth suction.

66. The Minister may make such special regulations as appear to him to be reasonably practicable for extending the provision and use in factories in which the weaving of cotton or other cloth is carried on of shuttles which are not capable of being threaded or readily threaded by suction of the mouth, and any such regulations may impose duties on persons employed as well as on occupiers.

Prohibition of
use of white
phosphorus in
manufacture
of matches.

67.—(1) No person shall use white phosphorus in the manufacture of matches.

(2) In this Part of this Act “white phosphorus” means the substance usually known as white or yellow phosphorus.

Humid
factories.

68.—(1) The occupier of every humid factory shall, on or before the first occasion on which artificial humidity is produced at that factory, give notice thereof in writing to the inspector for the district.

(2) The following provisions of this section shall have effect with respect to every humid factory with respect to which regulations under this Act concerning humidity are not for the time being in force.

(3) There shall be provided and maintained in every room in which artificial humidity is produced two hygrometers conforming to such conditions as regards construction and maintenance as may be prescribed, and—

- (a) one of the hygrometers shall be fixed in the centre and the other at the side of the room, or in such other position as may be directed or sanctioned by an inspector, so as to be plainly visible to the persons employed ;
- (b) a copy of the table of humidity set out in the First Schedule to this Act, or such other table as may be substituted therefor by regulations of the Minister, shall be kept hung up near each hygrometer ;
- (c) the occupier or other person authorised for the purpose shall read the hygrometers between ten and eleven o'clock in the morning on every day on which any persons are employed in the room in the morning and between three and four o'clock in the afternoon on every day on which any persons are employed in the room in the afternoon, and when persons are employed before six o'clock in the morning or after eight o'clock in the evening, at such other times as may be directed by the inspector for the district, and shall enter the readings on a record, which shall be provided for each hygrometer in the prescribed form ;
- (d) the forms on which the readings of each hygrometer are recorded shall be kept hung up near the hygrometer, and when filled up shall be preserved at the factory for reference, and the entries recorded in the form shall be prima facie evidence of the humidity of the atmosphere and temperature in the factory.

(4) There shall be no artificial humidification in any room at any time when the reading of the wet bulb thermometer exceeds seventy-two and a half degrees, or, in the case of a room in which the spinning of cotton or the spinning of merino or cashmere by the French or dry process or the spinning or combing of wool by that process is carried on, eighty degrees.

(5) There shall be no artificial humidification in any room at any time when the difference between the readings of the dry and wet bulb thermometers is less than that indicated in the table of humidity.

(6) No water which is liable to cause injury to the health of the persons employed, or to yield effluvia, shall be used for

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artificial humidification, and for the purposes of this subsection any water which absorbs from acid solution of permanganate of potash in four hours at sixty degrees more than half a grain of oxygen per gallon of water shall be deemed to be liable to cause injury to the health of the persons employed.

(7) The chief inspector may direct in writing, in the case of any factory or any room in a factory, that only one hygrometer, fixed in such position as may be directed by an inspector, need be provided instead of two hygrometers fixed as mentioned in paragraph (a) of subsection (3) of this section.

(8) Where in respect of any room notice has been given in the prescribed manner to the inspector for the district that it is intended that the humidity of the atmosphere should never be greater than will maintain a difference of at least four degrees between the readings of the dry and wet bulb thermometers, the provisions of paragraphs (c) and (d) of subsection (3) of this section shall not apply as respects that room so long as at least that difference is maintained and a copy of the said notice is kept posted in the room.

Underground rooms.

69.—(1) The inspector for the district may certify any underground room as unsuitable for work other than work involved in the use of the room for the purpose of storage or such other purpose as the Minister may by order specify, and where such a certificate is in force with respect to any room no work for which it is certified as unsuitable shall be carried on in it.

(2) Where the inspector certifies as unsuitable any room which is in actual use, he shall suspend the operation of the certificate for such period as he considers reasonable with a view to enabling the occupier to render the room suitable or to obtain other premises.

(3) Except in the case of a room which on the first day of July, nineteen hundred and thirty-eight was part of a factory (within the meaning of the Factories Act, 1937, as originally enacted) and was used for work for which it may be certified as unsuitable under this section, the occupier of an underground room—

- (a) shall, before the room is used for work for which it may be certified as unsuitable under this section, give notice in the prescribed form and containing the prescribed particulars to the inspector for the district; and
- (b) shall not use the room for any such process as may be prescribed, being a process of a hot, wet or dusty nature or which is liable to give off any fume, without the consent in writing of the inspector for the district

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(4) If the occupier is aggrieved by any decision of an inspector under this section, he may, within twenty-one days of the date of issue of the certificate or the refusal of the consent, as the case may be, appeal to a magistrates' court, or, in Scotland, the sheriff, and, pending the final determination of an appeal against a decision under subsection (1) of this section in the case of a room in actual use, no offence shall be deemed to be committed under that subsection in respect of the room to which the appeal relates.

(5) In this section—

“underground room” means any room which, or any part of which, is so situate that at least half its height, measured from the floor to the ceiling, is below the surface of the footway of the adjoining street or of the ground adjoining or nearest to the room; and

“unsuitable” means unsuitable as regards construction, height, light or ventilation, or on any hygienic ground, or on the ground that adequate means of escape in case of fire are not provided.

(6) Any certificate issued under this section may be withdrawn by the inspector for the district if such alterations are made as in his opinion to render the room suitable.

70.—(1) Without prejudice to the provisions of section sixty-nine of this Act, a basement bakehouse shall not be used as a bakehouse unless it was so used at the date of the passing of the Factories Act, 1937, that is to say, the thirtieth day of July, nineteen hundred and thirty-seven, and a certificate of suitability had been issued in respect of it by the district council under an enactment repealed by that Act; and a basement bakehouse shall not be used as a bakehouse, notwithstanding that the foregoing conditions are satisfied, if, at any time since the commencement of that Act, that is to say, the first day of July, nineteen hundred and thirty-eight, it was not so used for a period exceeding twelve months. Basement
bakehouses.

(2) It shall be the duty of every district council to carry out every five years, beginning with the fifth year after that in which an examination under section fifty-four of the Factories Act, 1937, was last required before the commencement of this Act, an examination of every basement bakehouse in respect of which a certificate of suitability had been issued and—

(a) if as the result of the examination the council are not satisfied that the bakehouse is suitable for use as such as regards construction, height, light, ventilation, and any hygienic respect, they shall give notice in writing that the certificate shall cease to have effect at the expiration of such period not less than one month as may be specified in the notice, and the basement bakehouse shall not be used as a bakehouse after the expiration of that period; or

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(b) if the council are satisfied that the bakehouse is suitable as regards the matters aforesaid, they shall give notice in writing that the certificate shall continue to operate so long as the bakehouse may otherwise lawfully be used, but without prejudice to the power of the council to revoke the certificate as the result of a subsequent examination under this subsection.

(3) Where the district council give notice that the certificate of a basement bakehouse is to cease to have effect, the occupier may, within twenty-one days of the receipt of the notice, appeal to a magistrates' court or, in Scotland, the sheriff, and the court or sheriff, if satisfied that the bakehouse is suitable as regards the matters aforesaid, may by order direct that the certificate shall continue to operate as if a notice had been given under paragraph (b) of subsection (2) of this section or may by order extend the period at the expiration of which the certificate is to cease to have effect, and pending the final determination of the appeal the certificate shall continue to operate.

(4) In this section "basement bakehouse" means a bakehouse any baking room of which is so situate that the surface of the floor is more than three feet below the surface of the footway of the adjoining street, or of the ground adjoining or nearest to the room; and "baking room" means any room used for baking, or for any process incidental thereto.

(5) The prohibition of the use of basement bakehouses under this section shall be enforced by the district council, and the provisions of Part I of this Act as to the power to act in default of a district council shall apply in the case of any default of the district council under this section.

Laundries.

71. In every laundry—

- (a) effective steps shall be taken by means of a fan or otherwise to regulate the temperature in every ironing room and to carry away the steam in every washhouse;
- (b) all stoves for heating irons shall be so separated from any ironing room or ironing table as to protect the workers from the heat thereof;
- (c) no gas iron emitting any noxious fumes shall be used.

Lifting
excessive
weights.

72.—(1) A person shall not be employed to lift, carry or move any load so heavy as to be likely to cause injury to him.

(2) The Minister may make special regulations prescribing the maximum weights which may be lifted, carried or moved by persons employed in factories; and any such regulations may relate either to persons generally or to any class of persons or to persons employed in any class or description of factory or in any process.

73.—(1) Where in any part of a factory—

- (a) the process of melting, or of blowing glass other than lamp blown glass ; or
- (b) the process of annealing glass other than plate or sheet glass ; or
- (c) the evaporating of brine in open pans, or the stoving of salt,

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Prohibition of employment of female young persons where certain processes are carried on.

is carried on, a female young person shall not be employed in that part of the factory.

(2) The Minister may by regulations extend this section to any process in which, on account of the special circumstances, it appears to him undesirable that female young persons should be employed, and, if he is satisfied that owing to a change in the circumstances in which any process specified in subsection (1) of this section is carried on the provisions of this section ought not to apply or ought to be relaxed with respect to that process, he may by regulations direct that this section shall, to such extent and subject to such conditions as may be specified in the regulations, cease to apply to that process.

74. A woman or young person shall not be employed in any factory in any of the following operations:—

- (a) work at a furnace where the reduction or treatment of zinc or lead ores is carried on ;
- (b) the manipulation, treatment or reduction of ashes containing lead, the desilverising of lead, or the melting of scrap lead or zinc ;
- (c) the manufacture of solder or alloys containing more than ten per cent. of lead ;
- (d) the manufacture of any oxide, carbonate, sulphate, chromate, acetate, nitrate, or silicate of lead ;
- (e) mixing or pasting in connection with the manufacture or repair of electric accumulators ;
- (f) the cleaning of workrooms where any of the processes aforesaid are carried on.

Prohibition of employment of women and young persons in certain processes connected with lead manufacture

75.—(1) A woman or young person shall not be employed in any factory in any process involving the use of lead compounds if the process is such that dust or fume from a lead compound is produced therein, or the persons employed therein are liable to be splashed with any lead compound in the course of their employment, unless the following provisions are complied with as respects all women and young persons employed—

- (a) where dust or fume from a lead compound is produced in the process, provision shall be made for drawing the dust or fume away from the persons employed by means

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of an efficient exhaust draught so contrived as to operate on the dust or fume as nearly as may be at its point of origin ;

- (b) the persons employed shall undergo the prescribed medical examination at the prescribed intervals, and the prescribed record shall be kept with respect to their health ;
- (c) no food, drink or tobacco shall be brought into or consumed in any room in which the process is carried on, and no person shall be allowed to remain in any such room during meal times ;
- (d) suitable protective clothing in a clean condition shall be provided by the occupier and worn by the persons employed ;
- (e) such suitable cloak-room, mess-room and washing accommodation as may be prescribed shall be provided for the use of the persons employed ;
- (f) the rooms in which the persons are employed, and all tools and apparatus used by them, shall be kept in a clean state.

(2) It shall not be lawful to employ in any process involving the use of lead compounds any woman or young person who has been suspended after medical examination from employment in any such process on the ground that continuance therein would involve special danger to health.

(3) The method of ascertaining whether any compound or mixture is a lead compound within the meaning of this section shall be such as may be prescribed.

(4) In this section "prescribed" means prescribed by regulations made by the Minister, and "lead compound" means any soluble compound of lead which is declared by regulations of the Minister to be a lead compound for the purposes of this section, and includes a mixture containing any such compound, but does not include an alloy containing lead.

Special regulations for safety and health

Power to make special regulations for safety and health.

76.—(1) Where the Minister is satisfied that any manufacture, machinery, plant, equipment, appliance, process or description of manual labour is of such a nature as to cause risk of bodily injury to the persons employed or any class of those persons, he may, subject to the provisions of this Act, make such special regulations as appear to him to be reasonably practicable and to meet the necessity of the case.

(2) Special regulations so made may, among other things,—

- (a) prohibit the employment of, or modify or limit the hours of employment of, all persons or any class of persons in

connection with any manufacture, machinery, plant, process, or description of manual labour ; or

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- (b) prohibit, limit, or control the use of any material or process ; or
- (c) modify or extend with respect to any class or description of factory any provisions of Part I, Part II or this Part of this Act, being provisions imposing requirements as to health or safety ;

and may impose duties on owners, employed persons and other persons, as well as on occupiers.

(3) Special regulations so made may apply to all factories or to any specified class or description of factory, and may provide for the exemption of any specified class or description of factory either absolutely or subject to conditions.

Supplementary provisions

77.—(1) It shall not be lawful to import into the United Kingdom matches made with white phosphorus.

Prohibition of importation and sale of materials and of articles made with prohibited materials.

(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.

(3) Any person who sells or offers or exposes for sale, or has in his possession for purposes of sale, any article or material the importation of which is prohibited by or under this section, shall be guilty of an offence and shall, in addition to his liability in respect of the offence, forfeit any such article or material in his possession, and any article or material so forfeited shall be destroyed or otherwise dealt with as the court may think fit.

78.—(1) An inspector may at any time after informing the occupier or, if the occupier is not readily available, a foreman or other responsible person in the factory, take for analysis sufficient samples of any material in use or mixed for use in the manufacture of matches or of any substance used or intended to be used in a factory which is a substance in respect of which he suspects a contravention of any regulation made under this Part of this Act, or which in his opinion is likely or may prove on analysis to be likely to cause bodily injury to the persons employed.

Power to take samples.

(2) The occupier or the foreman or other responsible person may, at the time when a sample is taken under this section, and on providing the necessary appliances require the inspector

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- (a) to deliver one part to the occupier, or the foreman or other responsible person ;
- (b) to retain one part for future comparison ;
- (c) to submit one part to the analyst ;

and any analysis under this section shall, if so required, be carried out by a government department.

(3) A certificate purporting to be a certificate by the Government Chemist as to the result of an analysis of a sample under this section shall in any proceedings under this Act be admissible as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness.

(4) It shall not be lawful for any person, except in so far as is necessary for the purposes of a prosecution for an offence under this Act, to publish or disclose to any person the results of an analysis made under this section, and if any person acts in contravention of this subsection, he shall be liable to a fine not exceeding one hundred pounds.

Restriction on approval of plans for cotton cloth factories.

79. No plans or sections relating to the erection or conversion of a building proposed to be used as a cotton cloth factory shall be approved by any local authority to whom they have been submitted in pursuance of any Act or of any byelaw made under any Act unless they are accompanied by a certificate in writing, issued by the superintending inspector of factories for the division in which the building is proposed to be erected or converted, certifying that the building to which the plans and sections relate would not, if erected or converted in accordance therewith, contravene regulations under this Act with respect to humidity in cotton cloth factories.

PART V

NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND INDUSTRIAL DISEASES

Notification of accidents.

80.—(1) Where an accident in a factory—

- (a) causes loss of life to a person employed in the factory ;
or
- (b) disables any such person for more than three days from earning full wages at the work at which he was employed ;

written notice of the accident, in the prescribed form and accompanied by the prescribed particulars, shall forthwith be sent to the inspector for the district, unless it is an accident

of which notice is sent in accordance with the requirements of the Explosives Act, 1875, or the Petroleum (Consolidation) Act, 1928.

(2) Where an accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent to the inspector for the district by the occupier of the factory as soon as the death comes to his knowledge.

(3) Where any accident to which this section applies occurs to a person employed and the occupier of the factory is not the actual employer of the person killed or injured, the actual employer shall, if he fails to report the accident to the occupier immediately, be guilty of an offence and liable to a fine not exceeding ten pounds.

81.—(1) If the Minister considers that, by reason of the risk of serious bodily injury to persons employed, it is expedient that notice should be given under section eighty of this Act in every case of any special class of explosion, fire, collapse of buildings, accidents to machinery or plant or other occurrences in a factory, he may by regulations extend the provisions of that section to any such class of occurrences, whether death or disablement is caused or not.

Power to extend to dangerous occurrences provisions as to notice of accidents

(2) The Minister may by any such regulations allow the required notice of any occurrence to which the regulations relate, instead of being sent forthwith, to be sent within the time limited by the regulations.

82.—(1) Every medical practitioner attending or called in to visit a patient whom he believes to be suffering from lead, phosphorus, arsenical or mercurial poisoning, or anthrax, contracted in any factory, shall (unless such a notice has been previously sent) forthwith send addressed to "The Chief Inspector of Factories, Ministry of Labour, London" a notice stating the name and full postal address of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, and the name and address of the factory in which he is or was last employed, and shall be entitled in respect of every notice sent in pursuance of this section to a fee of two shillings and sixpence, to be paid as part of the expenses incurred by the Minister in the execution of this Act.

Notification of industrial diseases.

(2) If, in contravention of the provisions of this section, any medical practitioner fails to send any notice in accordance with the requirements thereof, he shall be liable to a fine not exceeding four pounds.

(3) Written notice of every case of lead, phosphorus, or arsenical or mercurial poisoning or anthrax occurring in a

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factory shall forthwith be sent by the occupier in the prescribed form and accompanied by the prescribed particulars to the inspector for the district and to the appointed factory doctor ; and the provisions of this Act with respect to the notification of accidents shall apply to any such case in like manner as to any such accident as is mentioned in those provisions.

(4) The Minister may, as respects all factories or any class or description of factory, by regulations apply the provisions of this section to any disease other than those mentioned in this section.

Inquest in case of death by accident or industrial disease.

83.—(1) Where a coroner holds an inquest on the body of any person whose death may have been caused by any accident or disease of which notice is required by this Act to be given, the coroner shall adjourn the inquest unless an inspector or some person on behalf of the Minister is present to watch the proceedings, and shall, at least four days before holding the adjourned inquest, send to the inspector for the district notice in writing of the time and place of the adjourned inquest ; but—

- (a) the coroner, before the adjournment, may take evidence to identify the body, and may order its interment ; and
- (b) if the inquest relates to the death of not more than one person, and the coroner has sent to the inspector notice of the time and place of the inquest at such time as to reach the inspector not less than twenty-four hours before the time of the inquest, he need not adjourn the inquest if the majority of the jury think the adjournment unnecessary.

(2) The following provisions shall have effect with respect to any such inquest :—

- (a) no person having a personal interest in or employed in or about or in the management of the factory in or about which the accident occurred or the disease was contracted shall be qualified to serve on the jury and the constable or other officer shall not summon any person disqualified under this provision and the coroner shall not allow any such person to be sworn or to sit on the jury ;
- (b) the following persons shall, subject to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question, be entitled to examine any witness either in person or by counsel, solicitor or agent, that is to say, an inspector, any relation of the person in respect of whose death the inquest is being held, the occupier of the factory, any person appointed by the order in

writing of the majority of the persons employed in the factory, and any person appointed in writing by any trade union, friendly society or other association of persons to which the deceased at the time of his death belonged or to which any person employed in the factory belongs, or by any association of employers of which the occupier is a member.

(3) Where evidence is given at any such inquest at which an inspector is not present of any neglect as having caused or contributed to the accident or disease, or of any defect in or about the factory appearing to the coroner or jury to require a remedy, the coroner shall send to the inspector for the district notice in writing of the neglect or defect.

84.—(1) The Minister may, where he considers it expedient to do so, direct a formal investigation to be held into any accident occurring or case of disease contracted or suspected to have been contracted in a factory and of its causes and circumstances, and the following provisions of this section shall have effect with respect to any such investigation. Power to direct formal investigation of accidents and cases of disease.

(2) The Minister may appoint a competent person to hold the investigation, and may appoint any person possessing legal or special knowledge to act as assessor in holding it.

(3) The person or persons so appointed (in this section referred to as "the court") shall hold the investigation in open court in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident or case of disease, and for enabling the court to make the report required by this section.

(4) The court shall have for the purposes of the investigation all the powers of a magistrates' court when trying informations for offences under this Act (or, in Scotland, all the powers of a court of summary jurisdiction when hearing complaints in respect of such offences) and all the powers of an inspector under this Act, and, in addition, power—

- (a) to enter and inspect any place or building the entry or inspection of which appears to the court requisite for the purposes of the investigation ;
- (b) by summons or, in Scotland, order, signed by the court to require the attendance of all such persons as the court thinks fit to call before it and examine and to require answers or returns to such inquiries as it thinks fit to make ;
- (c) to require the production of all books, papers and documents which it considers important for the purposes of the investigation ;
- (d) to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination.

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(5) Persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before a court of record or, in Scotland, to witnesses attending an inquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895; and in case of dispute as to the amount to be allowed, the dispute shall be referred by the court to a master of the Supreme Court or, in Scotland, the auditor of the sheriff court, and the master or auditor shall, on request signed by the court, ascertain and certify the proper amount of the expenses.

(6) The court shall make a report to the Minister stating the causes and circumstances of the accident or case of disease and its circumstances, and adding any observations which the court thinks right to make.

(7) The court may require the expenses incurred in and about the investigation (including the remuneration of any persons appointed to act as assessors) to be paid in whole or part by any person summoned before it who appears to the court to be, by reason of any act or default on his part or on the part of any servant or agent of his, responsible in any degree for the occurrence of the accident or case of disease, but any such expenses not required to be so paid shall be deemed to be part of the expenses of the Minister in the execution of this Act.

(8) Any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons, order or requisition of the court, or prevents or impedes the court in the execution of its duty, shall be guilty of an offence, and liable to a fine not exceeding twenty pounds, and, in the case of a failure to comply with a requisition for making any return or producing any document, if the failure in respect of which he was convicted is continued after the conviction, he shall (subject to the provisions of section one hundred and fifty-seven of this Act) be guilty of a further offence and liable to a fine not exceeding twenty pounds for every day on which the failure was so continued.

(9) The Minister may cause the report of the court to be made public at such time and in such manner as he thinks fit.

(10) Where an investigation under subsection (1) of this section is directed to be held into an accident in Scotland which causes the death of any person, 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.

85.—(1) It shall be the duty of the appointed factory doctor to investigate and report upon—

- (a) cases of death or injury caused by exposure in a factory to fumes or other noxious substances, or due to any other special cause specified in instructions of the Minister as requiring investigation; and

Duty of appointed factory doctor to investigate and report in certain cases.

- (b) any case of death or injury which the inspector for the district in pursuance of any general or special instructions of the Minister may refer to him for that purpose ; and
- (c) any case of disease of which he receives notice under this Act.

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(2) The appointed factory doctor, for the purpose of an investigation under this section, shall have the like powers as an inspector, including power to enter any room in a building to which the person killed, injured, or affected has been removed.

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EMPLOYMENT OF WOMEN AND YOUNG PERSONS

Hours and Holidays

86. Subject to the provisions of this Part of this Act, the hours worked, the period of employment, and the intervals for meals and rest, for every woman or young person employed in a factory shall conform to the following conditions, namely:—

General conditions as to hours of employment of women and young persons.

- (a) the total hours worked, exclusive of intervals allowed for meals and rest, shall neither exceed nine in any day nor exceed forty-eight in any week ;
- (b) the period of employment shall not exceed eleven hours in any day and shall neither begin earlier than seven o'clock in the morning nor end later than six o'clock in the evening in the case of young persons who have not attained the age of sixteen, or in other cases eight o'clock in the evening, or, on Saturday, one o'clock in the afternoon ;
- (c) a woman or young person shall not be employed continuously for a spell of more than four and a half hours without an interval of at least half an hour for a meal or rest, so, however, that where an interval of not less than ten minutes is allowed in the course of a spell, the spell may be increased to five hours ;
- (d) the period of employment and intervals allowed for meals and rest in accordance with the foregoing provisions of this section shall be the same for all women and young persons employed in the factory, except that the period of employment may end at an earlier hour for young persons who have not attained the age of sixteen ;
- (e) no woman or young person shall be employed during any such interval allowed for meals or rest.

87.—(1) Subject to the provisions of this section, paragraph (a) of section eighty-six of this Act shall have effect, in the case of young persons who have not attained the age of sixteen, if for the reference to forty-eight hours there were substituted a reference to forty-four hours.

Weekly hours of work of young persons under 16.

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(2) If representations are made to the Minister with respect to any class or description of factory—

- (a) that the industry carried on in that class or description of factory is, either generally or as respects a particular process, so dependent on the employment of young persons who have not attained the age of sixteen and so organised that the carrying on of the industry would be seriously prejudiced unless the number of hours worked in a week by such young persons employed in that industry or in that process were permitted to exceed forty-four ;
- (b) that such increased hours would not be likely to be injurious to the health of the young persons ; and
- (c) that the work in which the young persons would be employed in that industry or process is particularly suitable for young persons, and that their employment would familiarise them with, and help to train them for employment in, processes in which older persons are employed in the industry, and be likely to lead to their permanent employment in the industry ;

the Minister may direct an inquiry to be held, and if, as a result of the inquiry, he is satisfied with respect to all those matters, he may make regulations increasing the total hours, exclusive of intervals allowed for meals and rest, that may be worked by such young persons in any week in that class or description of factory, or, as the case may be, in a particular process carried on therein, to such figure, not exceeding forty-eight, as may be specified in the regulations.

(3) Paragraph 5 of the Fourth Schedule to this Act shall apply, with such adaptations as may be prescribed, to any inquiry held under this section.

(4) The Minister may, as respects factories, or any class or description of factory, in which the number of hours permitted to be worked in any week by young persons who have not attained the age of sixteen is less than forty-eight, by regulations make such modifications of this Part of this Act, and make such provision as to the period of employment of such young persons and the intervals allowed to them for meals and rest, as he considers necessary or expedient for regulating the arrangement of the hours to be worked by such young persons.

Notice fixing
hours of
employment.

88.—(1) The occupier shall fix within the limits allowed by the foregoing provisions of this Part of this Act and shall specify in a notice in the prescribed form, which shall be posted in the factory—

- (a) the period of employment for each day of the week for the women and young persons employed in the factory ;

(b) the intervals allowed for meals or rest to those women and young persons ;

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and, subject to the provisions of this Part of this Act with respect to overtime and to the exceptions allowed under this Part of this Act, no woman or young person shall be employed otherwise than in accordance with the notice.

(2) Different periods of employment and different intervals may be fixed for different days of the week.

(3) A change in the said periods or intervals shall not be made until the occupier has served on the inspector for the district, and posted in the factory, notice of his intention to make the change, and shall not be made oftener than once in three months, unless for special cause allowed in writing by the inspector.

(4) Where an inspector, by notice in writing, names a public clock, or some other clock open to public view, for the purpose, the period of employment and the intervals allowed for meals or rest in that factory shall be regulated by that clock.

89.—(1) Notwithstanding the provisions of this Part of this Act relating to hours worked and periods of employment, pressure of work in any factory may be dealt with by the overtime employment of women and young persons who have attained the age of sixteen, but the overtime for the factory shall not exceed in the aggregate one hundred hours in any calendar year or six hours in any week and shall not take place in the factory in more than twenty-five weeks in any calendar year.

Overtime employment of women and young persons over sixteen.

(2) The overtime employment of a woman or young person shall be subject to the following conditions :—

(a) the total hours worked by the woman or young person, exclusive of intervals allowed for meals and rest, shall not exceed ten on any day ;

(b) the period of employment for the woman or young person shall not exceed twelve hours in any day and shall not extend outside the hours specified in this Part of this Act for the beginning and end of the period of employment, except that in the case of women it may extend to nine o'clock in the evening on weekdays other than Saturday.

(3) Where the occupier of a factory allows to any women or young persons who are to be employed overtime on any day an interval for a meal or rest in addition to any interval fixed for the day by a notice under this Part of this Act, he may employ during that interval any women or young persons who are not to be employed overtime on that day, but save as aforesaid the provisions of this Part of this Act relating to continuous

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employment and intervals for meals or rest shall apply to overtime employment in like manner as they apply to other employment.

(4) If the Minister is satisfied that overtime employment of young persons, in accordance with the foregoing provisions of this section, in any process will prejudicially affect the health of the young persons, or any class of them, he may by regulations either prohibit the overtime employment in that process of those young persons, or that class of them, or make such further restrictions as to the amount of such overtime employment or otherwise as he thinks fit.

(5) If representations are made to the Minister with respect to any class or description of factory that, having regard to the particular circumstances and conditions affecting the industry carried on therein, the overtime employment allowed under this section can be reduced without serious detriment to that industry, the Minister may, after consultation with any such association of occupiers or employed persons and any such joint industrial council, wages council or similar body as appears to him to be affected, direct an inquiry to be held, and if he is satisfied, as the result of the inquiry, that the overtime employment can be reduced without serious detriment to the industry, he may by regulations make such modifications in the provisions of this section, in their application to the class or description of factory aforesaid, as will secure the reduction of the amount of overtime employment of women and young persons, or of young persons, employed therein.

Paragraph 5 of the Fourth Schedule to this Act shall apply, with such adaptations as may be prescribed, to any inquiry held under this subsection.

(6) Where the Minister is satisfied that work in any class or description of factory is subject to seasonal or other special pressure, he may by regulations as respects that class or description of factory—

(a) increase for women, or for women employed in any specified process, during any period of such pressure, the hours of work and the period of employment allowed in a day under this section, but only for such number of weeks, not exceeding eight, in any year as may be specified in the regulations ;

(b) increase the hours of overtime employment allowed for a factory under this section in a calendar year to an aggregate not exceeding one hundred and fifty hours, subject to the condition that young persons shall not be employed during more than one hundred of the hours of overtime employment allowed for the factory.

(7) The Minister may increase the aggregate number of hours of overtime employment allowed for a factory under this section

in any week or the number of weeks in any calendar year in which overtime employment can take place— PART VI

- (a) by regulations as respects any class or description of factory, if he is satisfied that owing to the exigencies of the trade carried on the increase is necessary ;
- (b) by order as respects any factory, if he is satisfied that the increase is necessary by reason of unforeseen pressure of work due to sudden orders, or by reason of a breakdown of machinery or plant or other unforeseen emergency.

(8) For the purposes of this section, the employment of persons in different parts of a factory or the employment of different sets of persons in different processes may, subject to such conditions as the Minister may by regulations prescribe, be treated, for the purpose of reckoning hours of overtime employment or the number of weeks in which overtime employment can take place, as if it were employment in different factories.

(9) If the Minister is satisfied that the nature of the business carried on in any class or description of factory involves the overtime employment of different persons on different occasions to such an extent that the provisions of this section limiting overtime employment by reference to the factory would, as respects a substantial number of factories of that class or description, be unreasonable or inappropriate, he may by regulations provide that any factory of that class or description may, in lieu of complying with the said provisions, comply with such provisions limiting overtime employment by reference to the individual as may be specified in the regulations, and such provisions shall secure—

- (a) that no woman shall be employed overtime in the factory for more than seventy-five hours, and no young person for more than fifty hours, in any calendar year ; and
- (b) that no woman or young person shall, except as otherwise provided in the regulations, be employed overtime in the factory for more than six hours in any week or in more than twenty-five weeks in any calendar year.

(10) In this Part of this Act “ overtime employment ” means, in relation to any woman or young person, any period during which that woman or young person is at work in the factory outside the period of employment fixed for the day for that woman or young person by a notice under this Part of this Act ; and for the purposes of this Part of this Act—

- (a) in calculating hours of overtime employment any fraction of an hour less than half an hour shall be treated as half an hour and any fraction of an hour greater than half an hour shall be treated as an hour ; and

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(b) in reckoning for any factory, part of a factory, or set of persons, the aggregate hours of overtime employment or the number of weeks in which overtime employment can take place, account shall be taken of every period during which any woman or young person is employed overtime in that factory, part or set.

Supplementary provisions as to overtime.

90.—(1) Before employing any woman or young person overtime on any day, the occupier of the factory shall send in writing to the inspector for the district and enter in the prescribed register such particulars of the overtime employment as may be prescribed, including particulars of any interval for a meal or rest to be allowed under subsection (3) of section eighty-nine of this Act.

(2) The occupier of any factory in which women or young persons are employed overtime shall cause a notice containing the prescribed particulars to be kept posted in the factory during such time as may be prescribed.

Restriction of employment inside and outside factory on same day.

91.—(1) Subject to subsection (2) of this section, a woman or young person shall not during any interval allowed to that woman or young person for a meal or rest, or during any time not included in the period of employment fixed by a notice under this Part of this Act, be employed outside the factory, in the business of the factory or in any other business carried on by the occupier, on any day during which the woman or young person is employed in the factory.

(2) A woman or a young person who has attained the age of sixteen may be so employed in a shop outside the period of employment, but any such employment shall be treated for the purposes of this Part of this Act (including the provisions relating to overtime employment) as employment in the factory.

(3) For the purposes of this section a woman or young person to or for whom any work is given out or who takes out any work to be done by her or him outside the factory shall be deemed to be employed outside the factory on the day on which the work is given or taken out.

Prohibition of use of rooms during intervals.

92. Subject to the exceptions allowed under this Part of this Act, a woman or young person shall not during any part of the intervals allowed to that woman or young person for meals or rest be allowed to remain in a room in which a process is then being carried on.

Prohibition of Sunday employment.

93. Subject to the exceptions allowed under this Part of this Act, a woman or young person shall not be employed on Sunday in a factory nor shall a woman or young person employed in a factory on any other day of the week be employed on Sunday about the business of the factory or in any other business carried on by the occupier.

94.—(1) Subject to the exceptions allowed under this Part of **PART VI** this Act, the occupier of a factory shall allow the whole of each **Annual** of the following days as a holiday in each year to every woman **holidays.** and young person employed in the factory.

(2) In England, the said days are, subject to subsection (4) of this section, Christmas Day, Good Friday and every bank holiday.

(3) In Scotland, the said days are six weekdays fixed by the occupier and notified in each case by means of a notice posted in the factory throughout not less than three weeks before the day; except that in burghs two of those days, which shall not be less than three months apart, shall be fixed by the town council.

(4) The occupier may by notice posted in the factory throughout not less than three weeks before any of the days specified in subsection (2) of this section substitute for it some other week-day specified in the notice.

(5) At least half of the days to be allowed in any year as holidays under this section shall be allowed between the fifteenth day of March and the first day of October.

(6) Subject to the exceptions allowed under this Part of this Act, a woman or young person shall not be employed in a factory on a holiday fixed by or in pursuance of this section for that factory, and a woman or young person employed in any factory shall not be employed on such a holiday about the business of the factory or in any other business carried on by the occupier.

Restriction on application of foregoing provisions of Part VI

95. The foregoing provisions of this Part of this Act do not apply to women holding responsible positions of management who are not ordinarily engaged in manual work. **Women holding positions of management.**

96. The Minister may, in the event of accident, or breakdown of machinery or plant, or other unforeseen emergency, by order suspend, as respects any factory, any of the provisions of this Part of this Act as to hours and holidays for such period as may be specified in the order, but so far only as may be necessary to avoid serious interference with the ordinary working of the factory and not so as to conflict with any enactment which gives effect to an international convention restricting the employment of women or young persons in factories. **Power to suspend certain provisions in emergency.**

Exceptions

97.—(1) The Minister may, upon the application of the occupier of any factory, authorise in the factory or part of the factory the employment of women and of young persons who have attained the age of sixteen on a system of shifts whereby each shift may be employed between such times as may be specified in the authorisation. **Power to authorise employment in shifts.**

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(2) The time that may be so specified as the beginning of the period of employment for a shift shall be not earlier than six o'clock in the morning, and the time that may be so specified as the end of such a period shall be not later than ten o'clock in the evening on a weekday other than Saturday and two o'clock in the afternoon on a Saturday.

(3) The system of shifts that may be authorised under this section shall be such that the hours for each shift shall not exceed an average of eight hours a day except that, where the work or process for which the system is authorised is not carried on on more than five days in each week, the hours for each shift may exceed that average but in that case must not exceed ten hours on any day, nor forty-eight hours in a week nor eighty-eight hours in a period of two weeks.

(4) The Minister shall by regulations make provision as to the manner in which workpeople concerned are to be consulted, and for the ascertainment of their opinions by secret ballot before any application is granted under this section, and shall not grant such an application, except in the case mentioned in subsection (5) of this section, unless satisfied that the requirements of the regulations have been complied with and that the majority of the workpeople concerned consent to the granting of the application.

(5) Where the Minister is satisfied that an application under this section relates to a factory which is about to be, or has recently been, newly established and that the system of shifts is intended to be permanently adopted therein for the employment of women and of young persons who have attained the age of sixteen, the application may be granted without any such consultation, ballot or consent as aforesaid.

(6) If upon an application under this section it appears to the Minister that the employment of women and young persons in accordance with the application is required only for the purpose of making provision for a temporary emergency or a temporary pressure of work which is not of a seasonal and recurring character, any authorisation given by him on the application shall be limited to such period as appears to him to be necessary for the purpose but may, if necessary, be subsequently extended by him if the temporary emergency or temporary pressure of work continues.

(7) In granting any application under this section the Minister shall impose such conditions as he considers necessary for the purpose of safeguarding the welfare and interests of the persons employed on the system of shifts, and in considering any such conditions shall, in particular, consider the expediency of requiring the provision of suitable accommodation for clothing and of facilities for meals and of transport facilities for workers residing at a distance and, in the case of young persons, of reasonable facilities for attending courses of further education.

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(8) The Minister may direct that the duty of dealing with applications for such temporary purposes as are mentioned in subsection (6) of this section may be performed by the chief inspector of factories or by any superintending inspector of factories, and while such a direction is in force references in this section to the Minister shall, in relation to such applications, be construed as including references to the inspector; but no authorisation given by an inspector shall be given or extended so as to have effect for more than six months.

98.—(1) Where it appears to the Minister that any conditions imposed upon the granting of any authorisation under section ninety-seven of this Act have not been complied with or that abuses of any description have arisen out of the employment of any persons on the system of shifts, he may revoke the authorisation.

Revocation of authorisation under s. 97.

(2) Whenever in any factory or part of a factory the employment of women and young persons on a system of shifts in accordance with an authorisation given under section ninety-seven of this Act is discontinued, or is, after being discontinued, resumed, the occupier of the factory shall forthwith give notice in writing of the discontinuance or resumption to the inspector of factories for the district in which the factory is situated, and if he fails to do so he shall be liable to a fine not exceeding five pounds.

(3) If in any factory or part of a factory for which such an authorisation has been given, a period exceeding twelve months has at any time elapsed throughout which the employment of women and young persons on a system of shifts in accordance with the authorisation has not been in operation, the Minister may revoke the authorisation, and if such employment has not been in operation for a period exceeding twenty-four months the authorisation shall be deemed to be revoked.

99.—(1) In the industries and processes to which this section applies male young persons who have attained the age of sixteen may be employed on a system of shifts outside the hours specified in this Part of this Act as the beginning and the end of the period of employment of such persons, if the employment is on work which is by reason of the nature of the process required to be carried on continuously day and night and the conditions specified in subsection (3) of this section and such other conditions as the Minister may for the purpose of safeguarding the welfare and interests of those persons by regulations direct are complied with.

Employment of male young persons in shifts in certain industries.

(2) The period of employment for any such shift may end on Sunday morning not later than six o'clock or begin on Sunday evening not earlier than ten o'clock, and where the young persons are employed on a system of four shifts with turns of

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not more than eight hours for each shift, they may be employed in such shifts between six o'clock in the morning and ten o'clock in the evening on Sundays.

(3) The conditions to be complied with in any employment authorised by this section shall include the following:—

- (a) the number of turns worked by any young person shall not exceed six in any week ;
- (b) the interval between successive turns of any young person shall not be less than fourteen hours ; and
- (c) no young person shall, in two consecutive weeks, be employed between midnight and six o'clock in the morning ;

but the Minister may by regulations modify the conditions contained in this subsection as respects young persons employed on a system of four shifts and young persons employed in the manufacture of glass.

(4) A young person who is taken into employment in accordance with the foregoing provisions of this section in any factory and has been examined by the appointed factory doctor and certified by him as fit for the employment in accordance with regulations under section one hundred and eighteen of this Act shall be re-examined at such intervals not exceeding six months as may be prescribed by the regulations.

(5) Male young persons who have attained the age of sixteen may, in the industries and processes to which this section applies, be employed on weekdays between six o'clock in the morning and ten o'clock in the evening on a system of shifts, subject to the conditions specified in subsection (3) of this section and such other conditions as the Minister may, for the purpose of safeguarding their welfare and interests, by regulations direct.

(6) The hours worked by young persons employed in accordance with the foregoing provisions of this section may exceed forty-eight in any week, but shall not exceed fifty-six in any week nor one hundred and forty-four in any period of three weeks.

(7) The provisions of this Part of this Act with respect to the overtime employment of women and young persons shall not apply to any young persons employed in accordance with the foregoing provisions of this section.

(8) The industries and processes to which this section applies are—

- the smelting of iron ore ;
- the manufacture of wrought iron, steel or tin-plate ;
- processes in which reverberatory or regenerative furnaces, necessarily kept in operation day and night in order to avoid waste of material and fuel, are used in connection with the smelting of ores, metal rolling, forges,

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- or the manufacture of metal tubes or rods, or in connection with such other classes of work as may be specified by regulations of the Minister ;
- the galvanising of sheet metal or wire (except the pickling process) ;
- the manufacture of paper ;
- the manufacture of glass.

100.—(1) In any factory conducted on the system of employing women and young persons on not more than five days a week, the total hours worked in any day may extend to ten and the period of employment in any day may extend to twelve hours and, in the case of women and of young persons who have attained the age of sixteen, the total hours worked in any day may be further extended by overtime employment to ten and a half.

Exception for factories operating the five-day week.

(2) An occupier may, notwithstanding that he avails himself of this exception, employ women and young persons who have attained the age of sixteen on a sixth day in any week subject to the conditions that—

- (a) the total hours worked on that day do not exceed four and a half ; and
- (b) no woman or young person is employed overtime on any other day in that week ;

and any such employment as aforesaid on the sixth day shall be deemed for the purposes of the foregoing provisions of this Part of this Act to be overtime employment, and this exception shall not cease to apply to the factory by reason only of such employment.

101. Where the Minister is satisfied that the exigencies of the trade carried on in a factory or class or description of factory or the convenience of the persons employed therein so require, he may,

Exception as to hour of commencement of period of employment.

- (a) in the case of any class or description of factory, by regulations ; and
- (b) in the case of any factory, by order ;

allow the period of employment for women and young persons as respects the factory or any part of the factory or any set of persons employed therein to begin either during the whole year or during any part of the year at an hour earlier than seven o'clock in the morning but not earlier than six o'clock in the morning.

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Exception as to simultaneous hours for meals and rest.

102.—(1) Subject to such conditions as the Minister may by regulations prescribe, the provisions of this Part of this Act which require that all the women and young persons employed in a factory shall have the intervals allowed for meals or rest at the same hour of the day shall not apply—

- (a) to persons employed in any process on which by reason of the nature thereof work requires to be carried on continuously ; or
- (b) to different sets of persons employed on different processes, or to different sets of persons necessarily divided into sets for the purpose of taking meals in a mess room or canteen provided and maintained by the occupier to the satisfaction of the inspector for the district, or to such different sets of persons as may be approved by the inspector.

(2) The Minister may by regulations except any class or description of factory or parts of factories from the provisions aforesaid on being satisfied that it is necessary by reason of any special circumstances to except factories of that class or description or those parts thereof from those provisions.

Exception as to employment during intervals.

103. The provisions of this Part of this Act with respect to the prohibition of employment during any interval allowed for meals or rest and the prohibition of the use of certain rooms during such intervals shall not apply to any male young persons employed in the manufacture of wrought iron, steel or tin-plate, paper or glass.

Exception as to use of rooms during intervals.

104.—(1) Subject to such conditions as the Minister may by regulations prescribe, the provisions of this Part of this Act with respect to the prohibition of the use of rooms during intervals allowed for meals or rest shall not apply—

- (a) where persons are employed in any process on which by reason of the nature thereof work requires to be carried on continuously ; or
- (b) where different sets of persons have different intervals for meals or rest ; or
- (c) as respects any interval allowed in the course of a spell of continuous employment.

(2) The Minister may by regulations except any class or description of factory or parts of factories from the said provisions on being satisfied that it is necessary by reason of any special circumstances to except factories of that class or description or those parts thereof from those provisions.

105. The provisions of this Part of this Act forbidding the continuous employment of a young person for a spell of more than four and a half hours without an interval of at least half an hour shall, in the case of male young persons who have attained the age of sixteen and are employed with men and whose continuous employment is necessary to enable the men to carry on their work, have effect, as respects any spell commencing in the morning, as if five hours were substituted for four and a half hours as the length of the spell for which they may be employed continuously.

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Exception as to continuous employment of male young persons employed with men.

106.—(1) Subject to such conditions as the Minister may by regulations prescribe, the provisions of this Part of this Act with respect to general conditions as to hours of employment of women and young persons, notices fixing hours of employment, overtime employment of women and young persons, prohibition of use of rooms during intervals, prohibition of Sunday employment, and annual holidays, shall not apply to male young persons employed as part of the regular maintenance staff of a factory or by a contractor, in repairing any part of the factory or any machinery or plant therein.

Exception as to male young persons employed on repairing work.

(2) No notice shall be required to be served or posted by any occupier availing himself of this exception.

107.—(1) Where it is proved to the satisfaction of the Minister that the customs or exigencies of the trade carried on in any class or description of factory require some other day in the week to be substituted for Saturday as the short day, he may, by regulations, grant to factories of that class or description an exception authorising the occupier of every such factory to substitute some other day for Saturday, and in that case this Part of this Act shall apply in the factory as if the substituted day were Saturday, and Saturday were an ordinary work day.

Exception as to Saturday.

(2) Regulations made under this section as respects newspaper printing offices, or as respects factories in which the work by reason of its nature requires to be carried on on six full working days in the week, may authorise the substitution of some other day for Saturday in respect of some of the women and young persons employed therein.

108. Where it is proved to the satisfaction of the Minister that the customs or exigencies of the trade carried on in any class or description of factory so require, he may by regulations grant to factories of that class or description an exception authorising the occupier of every such factory to allow all or any of the annual whole holidays on different days to any of the women and young persons employed therein, or to any sets of those women and young persons, instead of on the same days.

Exception as to holidays on different days for different sets.

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Exception as to
Sundays and
Saturdays
in Jewish
factories.

109.—(1) Where the occupier of a factory is a person of the Jewish religion, or a member of any religious body regularly observing the Jewish Sabbath, a woman or young person who is a person of the Jewish religion or a member of such a religious body as aforesaid may be employed on Sunday, subject to the condition that the factory must be closed on Saturday and must not be open for business on Sunday.

(2) Where the occupier avails himself of this exception, this Part of this Act shall, as respects women and young persons who are persons of the Jewish religion or members of such a religious body as aforesaid, apply to the factory in like manner as if in the provisions thereof respecting Sunday the word Saturday were substituted for Sunday, and in the provisions thereof respecting Saturday, the word Sunday, or, if the occupier so elects, the word Friday, were substituted for Saturday.

(3) For the purposes of this section, a factory occupied by a partnership or company shall be deemed to be occupied by a person of the Jewish religion or a member of a religious body regularly observing the Jewish Sabbath if the majority of the partners or of the directors of the company are persons of the Jewish religion or, as the case may be, members of any such religious body as aforesaid, but not otherwise.

Exception as
to laundries.

110.—(1) For the purpose of meeting without overtime employment pressure of work recurring on particular days of the week, the total hours worked in a day by women in laundries may, on two week days other than Saturday in any week, extend to ten hours, and the period of employment on those days may extend to twelve hours and may begin at any time not earlier than six o'clock in the morning and end at any time not later than nine o'clock in the evening; but nothing in this subsection shall affect the provisions of this Part of this Act with respect to the total hours worked in a week.

(2) The Minister may, as regards factories of which the occupiers avail themselves of this exception, by regulations make such modifications in the provisions of this Part of this Act which require that the period of employment and intervals allowed for meals and rest shall be the same for all women and young persons, and that no woman or young person shall be employed during any such interval, as appear to him to be necessary or expedient.

Exception as to
manufacture of
bread or flour
confectionery
or sausages.

111.—(1) For the purpose of meeting without overtime employment pressure of work recurring on particular days of the week, the total hours worked in a day by women in the manufacture of bread or flour confectionery (including meat and fruit pies) or sausages may on two days other than Saturday in any week extend to ten hours, and the period of employment on those days may extend to twelve hours and may begin

at any time not earlier than six o'clock in the morning and end at any time not later than nine o'clock in the evening; but nothing in this subsection shall affect the provisions of this Part of this Act with respect to the total hours worked in a week.

PART VI

(2) The Minister may, as regards factories of which the occupiers avail themselves of this exception, by regulations make such modifications in the provisions of this Part of this Act which require that the period of employment and intervals allowed for meals and rest shall be the same for all women and young persons, and that no women or young persons shall be employed during any such interval, as appear to him to be necessary or expedient.

112.—(1) Subject to such conditions as the Minister may by regulations prescribe, the provisions of this Part of this Act with respect to the general conditions as to hours of employment of women and young persons, notices fixing hours of employment, overtime employment of women and young persons, prohibition of use of rooms during intervals, prohibition of Sunday employment, and annual holidays shall not apply to the employment of women and of young persons who have attained the age of sixteen in processes connected with—

Exception as to preserving of fish, fruit and vegetables.

(a) the preserving, canning or curing of fish or the preparing of fish for sale; or

(b) the preserving or canning of fruit or vegetables during the months of June, July, August and September; where such processes require to be carried out without delay in order to prevent goods from being spoiled.

(2) Where an occupier avails himself of this exception, the notice required to be served and posted by him under section one hundred and fifteen of this Act need not, except in so far as regulations under this section so require, specify the period of employment or the intervals to be allowed for meals or rest.

113.—(1) In the case of factories, or any class or description of factory, in which cream, butter, cheese, milk powder, condensed milk or any other milk product is made or fresh milk or cream is sterilised or otherwise treated before being sold as such, the Minister may make regulations varying the provisions of this Part of this Act with respect to the general conditions as to hours of employment of women and young persons, notices fixing hours of employment, overtime employment of women and young persons, prohibition of use of rooms during intervals, prohibition of Sunday employment, and annual holidays, so far as they relate to women and to young persons who have attained the age of sixteen.

Exception as to factories where milk is treated.

PART VI

(2) The hours worked in any week by any woman or young person in pursuance of regulations made under this section shall not exceed fifty-four, except that in such factories in which cheese is made as may be specified in the regulations, and during such period of the year as may be so specified, the hours so worked in any week may extend to sixty.

Provision for protection of women and young persons employed under exceptions.

114. Where it appears to the Minister that the adoption of any special provision is required for the protection of the health or welfare of women or young persons employed overtime or in pursuance of an exception under sections ninety-nine to one hundred and thirteen of this Act, he may by regulations direct that the adoption of the provision shall be a condition of such employment in addition to any other conditions specified in this Part of this Act.

Notices, registers, &c., relating to exceptions.

115.—(1) An occupier of a factory, not less than seven days before he avails himself of any exception under sections ninety-nine to one hundred and thirteen of this Act, shall serve on the inspector for the district and post in his factory notice in the prescribed form of his intention to do so, as from a date specified in the notice, and shall keep the notice posted whilst he avails himself of the exception.

(2) Before the service of the notice on the inspector the exception shall not be deemed to apply to the factory, and as from the date specified in the notice it shall not be competent in any proceeding under this Act for the occupier to prove that the exception does not apply to his factory, unless, before the event in respect of which the proceedings are taken, he had served on the inspector for the district notice that he no longer intended to avail himself of the exception.

(3) The notice mentioned in subsection (1) of this section must, except as otherwise provided by this Part of this Act, specify the period of employment, and the intervals to be allowed for meals or rest, and the annual holidays, where they differ from the ordinary hours or intervals or holidays, and, subject to the provisions of this Part of this Act with respect to overtime, no person employed in pursuance of the exception shall be employed otherwise than in accordance with the notice.

(4) A change in the said period of employment or intervals shall not be made until the occupier has served on the inspector for the district, and posted in the factory, notice of his intention to make the change, and shall not be made oftener than once in three months, unless for special cause allowed in writing by the inspector.

(5) The Minister may by order direct that every occupier of a factory availing himself of such exception as may be specified in the order shall enter in the prescribed register and report to the inspector for the district such particulars as may be so specified

respecting the employment of women and young persons in pursuance of that exception. PART VI

Regulation of employment of young persons in certain occupations

116.—(1) This section applies to young persons—

Regulation of
employment of
young persons
in certain
occupations.

- (a) employed in collecting, carrying or delivering goods, carrying messages or running errands, who are so employed in the business of a factory wholly or mainly outside the factory or who are so employed in connection with any business carried on at a dock, wharf, or quay to which section one hundred and twenty-five of this Act applies, or any warehouse (except a warehouse which forms part of a factory or to which the Shops Act, 1950, applies), and by a person having the use or occupation of the dock, wharf, quay or warehouse, or of premises within it or forming part of it ; or
- (b) employed in or in connection with any process (not being a process to which section one hundred and twenty-six of this Act applies) carried on at any such dock, wharf, quay, or warehouse and by a person having such use or occupation as aforesaid, or in or in connection with the processes of loading, unloading or coaling any ship in any dock, harbour or canal.

(2) The employment of all such young persons as aforesaid shall, subject as hereinafter provided, conform to the following conditions, that is to say :—

- (a) the total hours worked, exclusive of intervals allowed for meals and rest, shall not, subject to paragraph (d) of this subsection, exceed forty-eight in any week ;
- (b) the young person shall not be employed continuously for a spell of more than five hours without an interval of at least half an hour for a meal or rest, and where the hours of employment include the hours from half-past eleven in the morning to half-past two in the afternoon, an interval of not less than three-quarters of an hour shall be allowed between these hours for dinner ;
- (c) on at least one weekday in each week, to be notified in the prescribed form and manner, the young person shall not be employed after one o'clock in the afternoon ;
- (d) the young person, if he has attained the age of sixteen, may, on occasions of seasonal or other special pressure or in cases of emergency, work overtime, that is to say, in excess of the permitted weekly hours, but his hours of overtime work shall not exceed six in any week or fifty in any calendar year, and where any employer

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has employed overtime any young persons to whom this section applies in twelve weeks (whether consecutive or not) in any calendar year, neither he nor any person succeeding to his business shall employ young persons to whom this section applies overtime during the remainder of that year ;

- (e) the young person shall in every period of twenty-four hours between midday on one day and midday on the next day be allowed an interval of at least eleven consecutive hours, which shall include the hours from ten o'clock in the evening until six o'clock in the morning ;
- (f) the employer of any young persons to whom this section applies shall keep in the prescribed form and manner a record of the prescribed particulars as to the young persons, including particulars of the hours worked by them and of the intervals allowed to them for meals and rest, and particulars of all overtime employment shall be separately entered in the record ;
- (g) sections eighty-seven, ninety-three, ninety-four and one hundred and nine of this Act shall apply, subject to the prescribed adaptations, to the employment of young persons to whom this section applies ;
- (h) any further conditions, which may include conditions with respect to the daily period of employment, prescribed by regulations of the Minister for the purpose of safeguarding the welfare and interests of the young persons or any class of them, shall be complied with.

(3) Where a young person to whom this section applies is, in addition to being employed in employment mentioned in subsection (1) of this section, also employed by the same employer in any other employment, any reference in subsection (2) of this section to employment shall, in relation to that young person, include a reference to that other employment.

(4) The employer of any young person to whom this section applies may give notice to the inspector for the district that he wishes to substitute for the provisions of this section the foregoing provisions of this Part of this Act, and, unless and until the notice is withdrawn by another notice, those provisions shall apply accordingly, subject to the prescribed adaptations, to all such young persons employed by him.

Any notice given under this subsection (including a notice of withdrawal) shall be in the prescribed form and shall take effect from such date after it is given as may be prescribed.

(5) For the purposes of this section, a young person shall be deemed to be employed by the person for whom he works, whether or not he receives any wages for his work.

Exemptions in interest of efficiency of industry or transport PART VI

117.—(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,—

Exemptions from provisions regulating hours of employment.

- (a) the foregoing provisions of this Part of this Act ;
- (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

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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.

Certificate of fitness for employment of young persons

Certificate of fitness for employment of young persons.

118.—(1) Subject to the provisions of this section, a young person shall not remain in any employment in a factory after the expiration of the period mentioned in subsection (2) of this section unless he has been examined by the appointed factory doctor and certified by him as fit for the employment and the certificate is still in force.

(2) The said period is such a period, not less than seven days, as may be prescribed, beginning with whichever of the following dates is the later, that is to say,—

- (a) the date on which the young person was taken into the employment ; and
 (b) the date on which any previous certificate under this section certifying his fitness for that employment ceased to have effect, or ceased to have effect with respect to that employment.

(3) Where the appointed factory doctor after examining a young person requires further information or further time for consideration before deciding whether or not to certify him as fit for employment or as to the conditions subject to which the certificate is to be issued, he may issue a provisional certificate authorising the employment of the young person for such period as may be specified in the certificate, not exceeding twenty-one days from the date on which it is issued.

(4) A certificate under this section may be issued in respect of employment in all factories in the occupation of the same occupier and in the district of the appointed factory doctor

issuing the certificate, or such of them as may be specified in the certificate and, where the certificate is restricted to employment belonging to any one group specified in rules under this section, it may, subject to such restrictions as may be specified in the rules, be issued in respect of employment,—

- (a) in all factories in the occupation of the same occupier, or such of them as may be specified in the certificate (including factories outside the district of the appointed factory doctor issuing the certificate); or
- (b) in factories in the occupation of different occupiers, either in any area or in such area as may be specified in the certificate.

(5) A certificate under this section may be issued subject to conditions as respects the nature of the work in which the young person is to be employed and subject to a condition that he shall be re-examined after an interval specified in the certificate; and where a certificate is issued subject to such a condition, the young person shall not be employed (while he is a young person) except in accordance with the condition.

(6) A certificate under this section shall be in force only for twelve months or such shorter period as may be prescribed by regulations of the Minister and may, on any examination of a young person under this Act by an appointed factory doctor, be revoked or varied as from a date before its expiration.

(7) Where a certificate under this section in respect of any young person is refused or revoked, the appointed factory doctor shall, if requested to do so by the parent of the young person, give to the parent in writing the reasons for the refusal or revocation.

(8) The Minister may make rules prescribing—

- (a) the manner in which and the place at which examinations under this section shall be conducted;
- (b) the form of certificates under this section;
- (c) the facilities to be afforded by occupiers of factories for the purpose of examinations under this section, including facilities for an appointed factory doctor to inspect any process in which a young person is to be employed;
- (d) the employments which are to be treated as groups for the purposes of subsection (4) of this section;
- (e) any other matter which the Minister may consider desirable for the purpose of giving effect to this section.

(9) It shall be the duty of every local education authority or, in Scotland, education authority to arrange for their officers to furnish, on the application of the appointed factory doctor, for his confidential information such particulars as to the school medical record of a young person and such other information

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in their possession relating to the medical history of a young person as he may require to assist him to carry out effectively his duties under this section; and the Minister of Housing and Local Government or, in Scotland, the Secretary of State may make rules for the purpose of securing the observance of the foregoing provisions of this subsection and the said Minister may arrange with the Minister of Education to make such rules on his behalf; and the appointed factory doctor shall, in any case where he is doubtful whether or not to issue a certificate under this section, make such an application as aforesaid.

(10) The Minister may by regulations exempt from the operation of this section any class or description of factory in which mechanical power is not used.

Power of inspector to require certificate of fitness for work.

119. Where an inspector is of opinion that the employment of a young person in a factory or in a particular process or kind of work in a factory is prejudicial to his health or the health of other persons, he may serve written notice on the occupier of the factory informing him thereof and requiring that the employment of that young person in the factory or in the process or kind of work, as the case may be, be discontinued after the period named in the notice (which shall not be less than one nor more than seven days after the service of the notice) and the occupier shall not continue after that period to employ the young person (notwithstanding that a certificate under section one hundred and eighteen of this Act is in force in respect of him) unless the appointed factory doctor has, after the service of the notice, personally examined the young person and certified that he is fit for employment in the factory or in the process or kind of work, as the case may be.

PART VII**SPECIAL APPLICATIONS AND EXTENSIONS***Factories occupying parts of buildings*

Tenement factories and parts of buildings let off as separate factories—fire provisions.

120. The Second Schedule to this Act shall have effect for modifying certain provisions of this Act relating to fire in their application to certain factories occupying parts of buildings.

Tenement factories—other provisions.

121.—(1) Subject to the following provisions of this section, the owner (whether or not he is one of the occupiers) of a tenement factory shall, instead of the occupier, be responsible for any contravention of the following provisions of this Act, that is to say—

(a) the provisions of Part I with respect to the drainage of floors, sanitary conveniences, cleanliness, overcrowding, temperature, ventilation and lighting;

- (b) the provisions of Part II with respect to the provision and maintenance of fencing and safety appliances, the construction, maintenance, testing and examination of machinery or plant, the construction and maintenance of floors, passages and stairs, and the power of a magistrates' court or sheriff to make orders as to dangerous factories ;
- (c) the provisions of Part III ;
- (d) the provisions of Part IV with respect to the removal of dust or fumes ;
- (e) the provisions of Part V ;
- (f) the provisions of Part VI as to notices fixing the hours of employment and notices relating to exceptions ; and
- (g) the provisions of Part X as to posting of abstracts and notices ;

and for the purposes of those provisions the whole of a tenement factory shall be deemed to be one factory in the occupation of the owner.

(2) Subsection (1) of this section does not apply to any contravention arising from the use in a tenement of any fencing, appliances, machinery or plant, if the use is a matter outside the control of the owner.

(3) Subsection (1) of this section does not apply to a contravention in rooms occupied by only one tenant—

- (a) of the provisions of Part I with respect to cleanliness, overcrowding, temperature, ventilation and lighting ; or
- (b) of the provisions of Part IV with respect to removal of dust or fumes ;

unless the contravention arises from a failure to carry out any necessary structural work or from any defect in any machinery, plant or fixtures belonging to the owner ; and does not apply to a contravention in any such room of the provisions of Part V.

(4) Subsection (1) of this section does not apply to a contravention of the provisions of Part III unless it arises from any such failure or defect as is mentioned in subsection (3) of this section.

(5) Where the occupier of any tenement posts in his tenement a notice with respect to the period of employment, and the intervals for meals or rests or any notice relating to an exception, the notice shall, with respect to persons employed by him, have effect in substitution for the corresponding notice posted by the owner.

(6) The provisions of this Act shall, so far as they are applicable and have not been applied by the foregoing provisions of this section, 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.

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(7) The Minister may by special regulations modify the provisions of this section in their application to any class or description of tenement factory.

Parts of buildings let off as separate factories—other provisions.

122.—(1) Where a part of a building is let off as a separate factory but is not part of a tenement factory,—

- (a) the provisions of this Act specified in paragraphs (a) and (b) of subsection (2) of this section shall apply to any part of the building used for the purposes of the factory but not comprised therein ;
- (b) subject to subsections (4) and (5) of this section, the owner of the building shall be responsible for any contravention of the provisions specified in the said paragraph (a) as so applying ; and
- (c) subject to subsection (5) of this section, the owner of the building shall be responsible, instead of the occupier, for any contravention as respects the factory, of the provisions specified in paragraph (c) of subsection (2) of this section.

(2) The said provisions are—

- (a) the provisions of Part I with respect to cleanliness and lighting, and the provisions of Part II with respect to prime movers, transmission machinery, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, the construction and maintenance of floors, passages and stairs, the keeping free from obstruction and slippery substances of floors, steps, stairs, passages and gangways, and with respect to steam boilers, steam receivers and steam containers, and air receivers ;
- (b) the provisions of Part II with respect to the power of a magistrates' court or sheriff to make orders as to dangerous conditions and practices or as to safety of factory premises ; and
- (c) the provisions of Part I with respect to sanitary conveniences and the provisions of Part II with respect to hoists and lifts.

(3) For the purposes of the provisions applied by the foregoing provisions of this section, lifting machines attached to the outside of the building, and chains, ropes and lifting tackle used in connection with those machines, shall be treated as being in the building, but any lifting machine not used for the purposes of the factory, and any chains, ropes or lifting tackle not used in connection with a lifting machine so used, shall be disregarded.

(4) For any contravention (whether as respects the factory or otherwise) of the provisions of Part II with respect to chains, ropes and lifting tackle, cranes and other lifting machines, steam

boilers, steam receivers and steam containers, and air receivers— PART VII

- (a) the occupier of the factory shall be responsible if it is a contravention with respect to any machinery or plant belonging to or supplied by him ; and
- (b) the owner of the building shall be responsible in any other case ;

except that the owner shall not be responsible for a contravention of those provisions in so far as they relate to matters outside his control, and for any such contravention as respects the factory the occupier shall be responsible.

(5) The owner shall be responsible by virtue of this section—

- (a) for the cleanliness of sanitary conveniences only when used in common by several tenants ; and
- (b) for a contravention of the provisions relating to hoists and lifts only so far as those provisions relate to matters within his control.

(6) The reference in section fifty-four of this Act (both as it applies in relation to the factory and as it applies by virtue of the foregoing provisions of this section) to the occupier shall be construed as referring to the occupier of the factory or to the owner of the building according as the one or the other is responsible in respect of the matters complained of.

(7) Any reference in the provisions applied by the foregoing provisions of this section to the general register shall, in relation to matters in respect of which the owner of the building is responsible, be construed as a reference to a register to be kept by him, and subsection (3) of section one hundred and sixty-six of this Act shall apply in relation to that register as if the owner were the occupier of the factory.

Electrical stations

123.—(1) The provisions of this Act shall apply to any premises in which persons are regularly employed in or in connection with the processes or operations of generating, transforming or converting, or of switching, controlling or otherwise regulating, electrical energy for supply by way of trade, or for supply for the purposes of any transport undertaking or other industrial or commercial undertaking or of any public building or public institution, or for supply to streets or other public places, as if the premises were a factory and the employer of any person employed in the premises in or in connection with any such process or operation were the occupier of a factory. Application of Act to electrical stations.

(2) Where any such process or operation is carried on or performed for such a supply as is mentioned in subsection (1)

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of this section but in other premises than those mentioned therein, then, if the premises are large enough to admit the entrance of a person after the machinery or plant therein is in position, the following provisions of this Act shall apply to the premises as if they were a factory and the employer of any person employed therein in or in connection with any such process or operation were the occupier of the factory, that is to say,—

- (a) the provisions of sections fifty and fifty-one so far as they enable the Minister to make regulations ;
- (b) the provisions of Part IV with respect to special regulations for safety and health ;
- (c) Part V ;
- (d) the provisions of Part XI with respect to powers and duties of inspectors ;
- (e) Part XII ;
- (f) Part XIII ;
- (g) Part XIV.

(3) The Minister may by special regulations apply any of the provisions mentioned in subsection (2) of this section to any machinery or plant used—

- (a) in such processes or operations as are mentioned in subsection (1) of this section and for such a supply as is mentioned therein ; but
- (b) elsewhere than in such premises as are mentioned in subsection (1) or subsection (2) of this section,

as if the machinery or plant were machinery or plant in a factory, and the employer of any person employed in connection with any such use of the machinery or plant were the occupier of a factory.

(4) Subsections (1) and (2) of this section shall not, except in so far as the Minister may by special regulations direct, apply to any premises where the said processes or operations are only carried on or performed for the immediate purpose of working an electric motor or working any apparatus which consumes electrical energy for lighting, heating, transmitting or receiving messages or communications, or other purposes.

Institutions

Institutions.

124.—(1) Where, in any premises forming part of an institution carried on for charitable or reformatory purposes, any manual labour is exercised in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning or

adapting for sale, of articles not intended for the use of the institution, but the premises do not constitute a factory, the provisions of this Act shall nevertheless apply to the premises, except as provided by subsection (3) of this section, but subject to subsection (2) of this section.

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(2) If the persons having the control of the institution (in this subsection referred to as "the managers") satisfy the Minister that the only persons working therein are persons who are inmates of and supported by the institution, or persons engaged in the supervision of the work or the management of machinery, and that the work is carried on in good faith for the purposes of the support, education, training, or reformation of persons engaged in it, the Minister may by order direct that so long as the order is in force this Act shall apply to the institution subject to the following modifications:—

- (a) the managers may submit for the approval of the Minister a scheme for the regulation of the hours of employment, intervals for meals, and holidays of the inmates, and if the Minister is satisfied that the provisions of the scheme are not less favourable to the inmates than the corresponding provisions of this Act, the Minister may approve the scheme, and upon his approval this Act shall, until the approval is revoked, apply as if the provisions of the scheme were substituted for the corresponding provisions of this Act;
- (b) the medical officer of the institution (if any) may, on the application of the managers, be appointed to be the appointed factory doctor for the institution;
- (c) the provisions of Part X of this Act as to the posting of an abstract and notices shall not apply, but among the particulars required to be shown in the general register there shall be included the prescribed particulars of the scheme, or where no scheme is in force the prescribed particulars as to hours of employment, intervals for meals or rest, and holidays, and other matters dealt with in this Act;
- (d) if the institution is carried on for reformatory purposes and the managers give notice thereof to the chief inspector, an inspector shall not, without the consent of the managers or of the person having charge of the institution under the managers, examine an inmate of the institution save in the presence of one of the managers or of the said person; but if the Minister is satisfied that there is reason to believe that a contravention of the provisions of this Act, or of any regulation or order made thereunder is taking place in the institution he may suspend the operation of the preceding provisions of this paragraph as respects the institution to such extent as he may consider necessary;

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(e) the managers shall, not later than the fifteenth day of January in every year, send to the Minister a correct return in the prescribed form, specifying the names of the managers and the name of the person (if any) having charge of the institution under the managers, and such particulars as to the number, age, sex and employment of the inmates and other persons employed in the work carried on in the institution as may be prescribed, and if they fail to do so they shall be guilty of an offence and liable to a fine not exceeding ten pounds.

(3) This Act shall not, except in so far as the Minister may by order direct, apply to any premises which do not constitute a factory, if the premises are subject to inspection by or under the authority of a Government department.

Docks, wharves, quays, warehouses and ships

Docks, etc.

125.—(1) The provisions of this Act specified in subsection (2) of this section shall apply to every dock, wharf or quay (including any warehouse belonging to the owners, trustees or conservators of the dock, wharf or quay, and any line or siding used in connection with and for the purposes of the dock, wharf or quay and not forming part of a railway or tramway) and every other warehouse (not forming part of a factory) in or for the purposes of which mechanical power is used—

- (a) as if it were a factory ; and
- (b) as if the person having the actual use or occupation of it or of any premises within it or forming part of it, were the occupier of a factory.

(2) The said provisions are :—

- (a) the provisions of Part II with respect to steam boilers, but with the modification that the owner of the boiler shall, instead of the person deemed to be the occupier, be responsible for any contravention of those provisions ;
- (b) the provisions of sections fifty and fifty-one so far as they enable the Minister to make regulations ;
- (c) the provisions of Part II with respect to the power of the Minister to require special safety arrangements for the prevention of accidents and to the power of a magistrates' court or sheriff to make orders as to dangerous conditions and practices ;
- (d) the provisions of Part III with respect to welfare regulations ;

- (e) the provisions of Part IV with respect to special regulations for safety and health ;
- (f) Part V ;
- (g) the provisions of Part VII with respect to premises where part of a building is a separate factory, subject to such modifications as may be made by regulations of the Minister ;
- (h) the provisions of Part IX with respect to the prohibition of deductions from wages ;
- (j) the provisions of Part X with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable), preservation of registers and records, but subject to such modifications as may be made by regulations of the Minister, and the provisions of Part X with respect to duties of persons employed and with respect to weights, measures and weighing and measuring instruments used in ascertaining wages ;
- (k) the provisions of Part XI with respect to powers and duties of inspectors ;
- (l) Part XII ; and
- (m) Part XIV.

(3) Subject to subsection (4) of this section,—

- (a) the provisions of this Act mentioned in paragraph (a) (subject to the modification mentioned in that paragraph) and in paragraphs (c), (e), (f), (h), (j), (k), (l) and (m) of subsection (2) of this section ; and
- (b) the provisions of sections one hundred and eighteen, one hundred and fifty-one and one hundred and fifty-two of this Act with such adaptations and modifications as may be made by regulations made by the Minister ;

shall apply to the process of loading, unloading or coaling of any ship in any dock, harbour or canal, and to all machinery or plant used in those processes, as if the processes were carried on in a factory and the machinery or plant were machinery or plant in a factory, and the person who carries on those processes were the occupier of a factory.

(4) Nothing in subsection (3) of this section shall operate—

- (a) to apply the provisions mentioned in paragraphs (a) and (c) of subsection (2) of this section to any machinery or plant which is on board a ship and is the property of the ship owner ; or
- (b) to apply the provisions mentioned in paragraph (b) of the said subsection (3) to a member of the crew of a ship.

PART VII

(5) In subsections (3) and (4) of this section "plant" includes any gangway or ladder used by any person employed to load or unload or coal a ship.

(6) The provisions of Part II of this Act with respect to prime movers, transmission machinery, other machinery, provisions as to unfenced machinery, construction and maintenance of fencing, construction and sale of new machinery, cleaning of machinery by women and young persons, training and supervision of young persons working at dangerous machines, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, construction and maintenance of floors, passages and stairs, and the power of a magistrates' court or sheriff to make orders as to dangerous factories shall apply to every warehouse mentioned in subsection (1) of this section as if the warehouse were a factory and the person having the actual use or occupation thereof were the occupier of a factory.

Ships.

126.—(1) Subject to subsection (3) of this section, the provisions of this Act specified in subsection (2) of this section shall apply to any work carried out in a harbour or wet dock in constructing, reconstructing, repairing, refitting, painting, finishing or breaking up a ship or in scaling, scurfing or cleaning boilers (including combustion chambers and smoke boxes) in a ship, or in cleaning oil-fuel tanks or bilges in a ship or any tank in a ship last used for oil of any description carried as cargo or any tank or hold last used for any substance so carried of a description specified in regulations of the Minister as being of a dangerous or injurious nature; and for the purposes of those provisions as so applying the ship shall be deemed to be a factory, and any person undertaking the work shall be deemed to be the occupier of a factory.

(2) The said provisions are:—

- (a) the provisions of sections fifty and fifty-one so far as they enable the Minister to make regulations;
- (b) the provisions of Part II with respect to the power of a magistrates' court or sheriff to make orders as to dangerous conditions and practices;
- (c) the provisions of Part III with respect to welfare regulations;
- (d) the provisions of Part IV with respect to special regulations for safety and health;
- (e) Part V;
- (f) the provisions of Part VI with respect to hours of employment (but not with respect to Sunday employment and annual holidays), subject to such modifications as may be made by regulations of the Minister to meet special circumstances;

- PART VII**
- (g) the provisions of sections one hundred and eighteen, one hundred and fifty-one and one hundred and fifty-two of this Act with such adaptations and modifications as may be made by regulations made by the Minister ;
 - (h) the provisions of Part IX with respect to the prohibition of deductions from wages ;
 - (j) the provisions of Part X with respect to general registers (so far as applicable), preservation of registers and records, and duties of persons employed ;
 - (k) the provisions of Part XI with respect to powers and duties of inspectors ;
 - (l) Part XII ;
 - (m) Part XIV.

(3) Nothing in this Act shall apply to any such work as is mentioned in subsection (1) of this section which is done by the master or crew of a ship or done on board a ship during a trial run.

Works of building and engineering construction

127.—(1) Subject to the following provisions of this section, the provisions of this Act specified in subsection (2) of this section shall apply—

Building operations and works of engineering construction.

- (a) to building operations ; and
- (b) to works of engineering construction ;

undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and to any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway or tramway.

(2) The said provisions are :—

- (a) the provisions of Part I with respect to sanitary conveniences ;
- (b) the provisions of sections fifty and fifty-one so far as they enable the Minister to make regulations ;
- (c) the provisions of Part II with respect to steam boilers and air receivers and the power of a magistrates' court or sheriff to make orders as to dangerous conditions and practices ;
- (d) the provisions of Part III with respect to welfare regulations ;
- (e) the provisions of Part IV with respect to special regulations for safety and health ;
- (f) Part V ;
- (g) the provisions of sections one hundred and eighteen, one hundred and fifty-one and one hundred and fifty-two of this Act with such adaptations and modifications as may be made by regulations made by the Minister ;

PART VII

- (h) the provisions of Part IX with respect to the prohibition of deductions from wages ;
- (j) the provisions of Part X with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable), preservation of registers and records, and duties of persons employed ;
- (k) the provisions of Part XI with respect to powers and duties of inspectors and district councils ;
- (l) Part XII ;
- (m) Part XIII ;
- (n) Part XIV.

(3) No order made under the provisions of this Act with respect to the power of a magistrates' court or sheriff to make orders as to dangerous conditions and practices and no special regulations made under Part IV of this Act shall operate so as to interfere with the design of any works of engineering construction or with the adoption in the execution of those works of any method not inconsistent with the safety of the works or of the persons employed which is prescribed in the specification or in any signed plans issued, or written directions given, by the consulting engineer or the engineer in charge.

(4) The provisions of this Act in their application to building operations or to works of engineering construction shall have effect as if any place where such operations or works are carried on were a factory and any person undertaking any such operations or works to which this Act applies were the occupier of a factory, and with such other adaptations and modifications as may be made by regulations made by the Minister.

(5) The provisions of this Act requiring general registers to be kept and copies of the prescribed abstract of this Act and of special regulations or the prescribed abstract of such regulations to be kept posted up on the premises shall be deemed to be complied with as respects building operations or works of engineering construction if the register is kept at an office of the person undertaking the operations or works and copies of the abstract of this Act and of the regulations or abstract thereof are kept posted up at each office, yard or shop of the person undertaking the operations or works at which persons employed by him on the operations or works attend, and in a position where they can easily be read by those persons.

(6) Subject to subsection (7) of this section, any person undertaking any building operations or works of engineering construction to which this Act applies shall, not later than seven days after the beginning thereof, serve on the inspector for the district a written notice stating the name and postal address of that person, the place and nature of the operations or

works, whether any mechanical power is used and, if so, its nature, the name of the district council within whose district the operations or works are situated and such other particulars as may be prescribed.

PART VII

(7) Subsection (6) of this section shall not apply to any operations or works which the person undertaking them has reasonable grounds for believing will be completed in a period of less than six weeks, except in such cases as the chief inspector may direct; and where a person undertakes any building operations or works of engineering construction in a place where such operations or, as the case may be, works are in progress, he shall not be required to give a notice under that subsection if such a notice was given in respect of the operations or works in progress.

(8) The application of this Act to any building operations or works of engineering construction by virtue of the foregoing provisions of this section shall not be excluded by reason of the fact that they are undertaken on premises to which this Act applies apart from those provisions; and nothing in this section shall be taken as prejudicing the application of this Act to those premises apart from this section.

Lead processes carried on in places other than factories

128. The following provisions of this Act, that is to say:—

- (a) the provisions relating to the employment of women and young persons in certain processes connected with lead manufacture and in processes involving the use of lead compounds;
- (b) the provisions requiring notification to be sent to the chief inspector, or to the inspector for the district, of lead poisoning contracted or occurring in factories; and
- (c) any provision relating to powers and duties of inspectors and to offences, penalties and legal proceedings;

Employment of women and young persons in places other than factories in processes connected with lead manufacture or involving the use of lead compounds.

shall apply to employment in any such processes as aforesaid in any place other than a factory, as if the place were a factory and the employer were the occupier of the factory, and as if the references to young persons included references to all persons who had not attained the age of eighteen.

129.—(1) The Minister may make special regulations for preventing danger from lead paint to persons employed in or in connection with the painting of buildings, and in particular—

- (a) for prohibiting the use of any lead compound except in the form of paste or of paint ready for use;

Use of lead paint in connection with buildings.

PART VII

- (b) for the prevention of danger arising from the application of lead paint in the form of spray;
- (c) for prohibiting dry rubbing down and scraping;
- (d) for providing for the periodical medical examination of persons employed in or in connection with painting with lead paint, and for the suspension from such employment of persons whose health is or appears likely to be injuriously affected thereby;
- (e) for securing that facilities for washing during, and on cessation of, work are afforded to persons employed in or in connection with painting;
- (f) for the use of protective clothing by persons so employed and for preventing clothes left off during work from being soiled by paint;
- (g) for the distribution to persons so employed of instructions with regard to hygienic precautions to be taken.

(2) The provisions of this Act specified in subsection (3) of this section shall apply in any case where persons are employed in painting buildings as if the place where they are employed were a factory and the person by whom they are employed the occupier of the factory, and with such further or other modifications as may be made by order of the Minister for the purpose of making those provisions applicable to the painting of buildings.

(3) The said provisions are—

- (a) the provisions of section eighty-two so far as they relate to cases of lead poisoning;
- (b) section one hundred and thirty-nine;
- (c) sections one hundred and forty-six, one hundred and forty-nine and one hundred and fifty;
- (d) section one hundred and fifty-five.

(4) Subject to subsection (5) of this section, every person who employs persons in painting buildings shall send to the inspector for the district in which his office is situated a notice in writing stating his name and the address of his office, and shall keep at his office a register, which shall be available for inspection by an inspector at all reasonable times, containing such particulars as to the persons so employed by him and as to the work on which they are employed as may be prescribed, and shall make such returns to the inspector for the district as may be prescribed.

(5) Subsection (4) of this section does not apply where the persons employed are persons whose ordinary occupation does not include the painting of buildings.

(6) Any person failing to comply with the requirements of subsection (4) of this section shall be liable to a fine not exceeding three pounds.

130.—(1) Where an inspector suspects that any substance used or intended for use in painting a building contains a lead compound, he may at any time take for analysis sufficient samples of that substance; and if any person who employs persons in painting buildings refuses to allow an inspector to take samples in pursuance of this section, or to give him facilities for the purpose, he shall be liable to a fine not exceeding three pounds.

PART VII
Power to take
samples of
paint, etc

(2) Any such person may, at the time when a sample is taken under this section, and on providing the necessary appliances, require the inspector to divide the sample into two parts and to mark and seal and deliver to him one part.

(3) Subsections (3) and (4) of section seventy-eight of this Act shall apply in relation to an analysis of a sample under this section as they apply in relation to an analysis of a sample under that section, but with the substitution of fifty pounds for one hundred pounds as the maximum amount of the fine mentioned therein.

131.—(1) Subject to subsection (2) of this section a woman or young person shall not be employed in painting any part of a building with lead paint.

Prohibition of
employment
of women
and young
persons in
painting
buildings
with lead
paint.

(2) This section shall not apply to the employment of—

(a) persons employed as apprentices in the painting trade under arrangements approved by an order of the Minister made after consultation with the organisations, if any, representative of the employers and workers in the trade; or

(b) women or young persons in such special decorative or other work (other than work of an industrial character) as may be excluded from the provisions of this section by an order of the Minister.

132. In sections one hundred and twenty-nine to one hundred and thirty-one of this Act “lead paint” means any paint, paste, spray, stopping, filling, or other material used in painting which, when treated in a manner prescribed by rules made by the Minister, yields to an aqueous solution of hydrochloric acid a quantity of soluble lead compound exceeding, when calculated as lead monoxide, five per cent. of the dry weight of the portion taken for analysis; and “building” includes fixtures.

Provisions
supplementary
to ss. 129-131.

PART VIII

HOME WORK

Lists of
outworkers
to be kept in
certain trades.

133.—(1) In the case of persons employed in such classes of work as may from time to time be specified by regulations of the Minister, the occupier of every factory and every contractor employed by any such occupier in the business of the factory shall—

- (a) keep in the prescribed form and manner, and with the prescribed particulars, lists showing the names and addresses of all persons (in this section referred to as outworkers) directly employed by him, either as workmen or as contractors, in the business of the factory, outside the factory, and of the places where they are employed ; and
- (b) send to an inspector such copies of or extracts from those lists as the inspector may from time to time require ; and
- (c) send to the district council during the month of February and the month of August in each year copies of those lists, showing all outworkers employed by him during the preceding six months.

(2) Every district council shall cause the lists received by the council in pursuance of this section to be examined, and shall furnish the name and place of employment of every outworker included in any such list whose place of employment is outside the district of the council to the council in whose district his place of employment is.

(3) The lists kept by the occupier or contractor shall be open to inspection by any inspector, and by any officer duly authorised by the district council, and the copies sent to the council and the particulars furnished by one council to another shall be open to inspection by any inspector or officer of any Government department.

(4) This section shall apply to any place from which any work is given out in connection with the business of a factory (whether the materials for the work are supplied by the occupier or not), and to the occupier of that place, and to every contractor employed by the occupier in connection with the said work, as if that place were a factory.

(5) In the event of a contravention of this section by the occupier of a factory or place, or by a contractor, the occupier or contractor shall be guilty of an offence and liable to a fine not exceeding twenty pounds.

134.—(1) Where work in respect of which this section applies is carried on for the purpose of or in connection with the business of a factory in any place which is in the opinion of the district council injurious or dangerous to the health of the persons employed therein, the district council may give notice in writing to the occupier of the factory or to any contractor employed by him setting forth particulars of the respects in which the place is, in their opinion, so injurious or dangerous, and the reasons for that opinion and, if the occupier or contractor after the expiration of ten days from the receipt of the notice gives out work to be done in that place, he shall, unless it is proved to the satisfaction of the court dealing with the case that the place is not injurious or dangerous in the respects set forth in the notice, be guilty of an offence.

PART VIII
Employment of persons in unwholesome premises.

(2) For the purpose of this section, any place from which work is given out shall be deemed to be a factory.

(3) This section applies in respect of such classes of work as may be specified in regulations made by the Minister.

PART IX

WAGES

135.—(1) In every textile factory the occupier shall, for the purpose of enabling each person employed who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, to be published as follows:—

Particulars of work and wages to be given to pieceworkers.

- (a) in the case of weavers in the worsted and woollen, other than the hosiery, trades, the particulars of the rate of wages applicable to the work done by each weaver shall be furnished to him in writing at the time when the work is given out to him, and shall also be exhibited on a placard not containing any other matter, and posted in a position where it is easily legible;
- (b) in the case of weavers in the cotton trade, the particulars of the rate of wages applicable to the work to be done by each weaver shall be furnished to him in writing at the time when the work is given out to him, and the basis and conditions by which the prices are regulated and fixed shall also be exhibited in each room on a placard not containing any other matter, and posted in a position where it is easily legible;
- (c) in the case of other persons employed, the particulars of the rate of wages applicable to the work to be done by each person shall be furnished to him in writing at

PART IX

the time when the work is given out to him, except that, if the same particulars are applicable to the work to be done by each of the persons employed in one room, it shall be sufficient to exhibit them in that room on a placard not containing any other matter, and posted in a position where it is easily legible ;

- (d) such particulars of the work to be done by each person employed as affect the amount of wages payable to him shall (except so far as they are ascertainable by an automatic indicator) be furnished to him in writing at the time when the work is given out to him ;
- (e) where such particulars of the work as affect the amount of wages are ascertained by an automatic indicator, and a placard containing the particulars as to the rate of wages is exhibited in each room in pursuance of an agreement between employers and persons employed, and in conformity with the requirements of this section, the exhibition thereof shall be a sufficient compliance with the foregoing provisions of this section ;
- (f) the particulars either as to rate of wages or as to work shall not be expressed by means of symbols ;
- (g) where an automatic indicator is used for ascertaining work, the indicator shall have marked on its case the number of teeth in each wheel and the diameter of the driving roller or such other particulars as will enable the accuracy of the indicator to be checked, so, however, that in the case of spinning machines with traversing carriages the number of spindles and the length of the stretch in such machines shall be so marked instead of the diameter of the driving roller.

(2) If the occupier fraudulently uses a false indicator for ascertaining the particulars or amount of any work paid for by the piece, or if any person employed fraudulently alters an automatic indicator, the occupier or person employed, as the case may be, shall be guilty of an offence.

(3) If any person employed in a factory, having received any such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be guilty of an offence.

(4) If any person for the purpose of obtaining knowledge of or divulging a trade secret solicits or procures a person employed in a factory to disclose any such particulars, or with that object pays or rewards any such person, or causes any such person to be paid or rewarded for disclosing any such particulars, he shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

PART IX

(5) The Minister, on being satisfied by the report of an inspector that the provisions of this section are applicable to any class of factories other than textile factories, may, if he thinks fit, by regulations apply the provisions of this section to any such class, subject to such modifications as may in his opinion be necessary for adapting those provisions to the circumstances of the case; and he may also by regulations apply those provisions, subject to such modifications as may in his opinion be necessary for adapting them to the circumstances of the case, to any class of persons of whom lists may be required to be kept under the provisions of this Act relating to outworkers, and to the employers of those persons.

(6) In this section "textile factory" means any factory in which mechanical power is used in the spinning, weaving or knitting of cotton, wool, hair, silk (including artificial silk), flax, hemp, jute, tow, china-grass, cocoanut fibre, asbestos, or other like material, either separately or mixed together, or mixed with any other material, or any fabric made thereof or in any process preparatory or incidental thereto, whether or not carried on in the same premises.

136. Save as otherwise expressly provided under this Act, the occupier of a factory shall not, in respect of anything to be done or provided by him in pursuance of this Act, make any deduction from the sum contracted to be paid by him to any person employed or receive or allow any person in his employment to receive any payment from any such person. **Prohibition of deductions from wages.**

PART X

NOTICES, RETURNS, RECORDS, DUTIES OF PERSONS EMPLOYED,
AND APPLICATION OF WEIGHTS AND MEASURES ACTS

137.—(1) Subject to subsection (3) of this section, every person who begins to occupy or to use any premises as a factory shall, not less than one month before he does so, serve on the inspector for the district a written notice stating the name of the occupier or the title of the firm, the postal address of the factory, the nature of the work, whether mechanical power is to be used and, if so, its nature, the name of the district council within whose district the factory is situated and such other particulars as may be prescribed. **Notice of occupation of factory, and use of mechanical power.**

(2) Subject to subsection (3) of this section, not less than one month before the date on which mechanical power is first used in a factory the occupier shall serve on the inspector for the district a written notice stating the nature of the mechanical power.

(3) A person may begin to occupy, or to use any premises as, a factory, and mechanical power may be first used in a

PART X

factory, less than one month after the notice required by the foregoing provisions of this section has been served, if the inspector of the district gives written permission; and a person may also begin to occupy a factory less than one month after the notice has been served or before serving the notice, if he takes over from another person without changing the nature of the work and the notice is served as soon as practicable and in any case within one month of his taking over.

(4) If a person begins to occupy, or to use any premises as, a factory before he is entitled to do so under the foregoing provisions of this section, or if a person entitled thereunder to occupy a factory before giving notice fails to give the required notice within the time allowed, he shall be guilty of an offence and liable on conviction thereof to a fine not exceeding forty pounds for the first, and ten pounds for each subsequent, day during which he occupies the factory, or uses the premises as a factory, as aforesaid, or during which he fails to give the notice after the expiration of the time allowed, as the case may be.

(5) The powers of an inspector under section one hundred and forty-six of this Act shall include power by day to enter, inspect, and examine any premises which are stated in a notice under this section to be intended to be used as a factory, and in relation to any such premises the reference to the occupier of a factory in subsection (2) of that section shall be construed as a reference to the person giving the notice.

Posting of
abstract of
Act and
notices.

138.—(1) Subject to subsection (2) of this section, there shall be kept posted at the principal entrances of a factory at which employed persons enter—

- (a) the prescribed abstract of this Act; and
- (b) a notice of the address of the inspector for the district and the superintending inspector for the division; and
- (c) a notice of the name and address of the appointed factory doctor for the factory; and
- (d) a notice specifying the clock (if any) by which the period of employment and intervals for meals and rest in the factory are regulated; and
- (e) every notice and document required by this Act to be posted in the factory.

(2) An inspector may direct that all or any of the documents mentioned in subsection (1) of this section shall be posted in such parts of the factory, either in addition to or in substitution for the principal entrances, as he may direct.

(3) All such documents shall be posted in such characters and in such positions as to be conveniently read by the persons

employed in the factory and, if a form has been prescribed for any document, it shall be posted in that form. PART X

(4) If any person pulls down, injures or defaces any abstract, notice, regulations or other document posted in pursuance of this Act, he shall be guilty of an offence and liable to a fine not exceeding ten pounds.

139.—(1) Printed copies of all special regulations for the time being in force in any factory or the prescribed abstract of such regulations shall be kept posted in the factory in such characters and in such positions as to be conveniently read by the persons employed in the factory. Provisions as to special regulations.

(2) A printed copy of all such regulations shall be given by the occupier to any person affected thereby on his application.

140.—(1) There shall be kept in every factory or in such place outside the factory as may be approved by the inspector for the district, a register in the prescribed form, called the general register, and there shall be entered in or attached to that register— General registers.

- (a) the prescribed particulars as to the young persons employed in the factory ; and
- (b) the prescribed particulars as to the washing, whitewashing or colour washing, painting or varnishing, of the factory ; and
- (c) the prescribed particulars as to every accident and case of industrial disease occurring in the factory of which notice is required to be sent to an inspector ; and
- (d) particulars showing every exception under sections ninety-nine to one hundred and thirteen of this Act of which the occupier of the factory avails himself ; and
- (e) all reports and particulars required by any other provision of this Act to be entered in or attached to the general register ; and
- (f) such other matters as may be prescribed.

(2) There shall be attached to the general register the certificate of the fire authority relating to means of escape in the case of fire.

(3) The occupier of a factory shall send to an inspector such extracts from the general register as the inspector may from time to time require for the purpose of the execution of his duties under this Act.

141. The general register and every other register or record kept in pursuance of this Act shall be preserved and shall be kept available for inspection by any inspector or by the appointed Preservation of registers and records

PART X factory doctor for at least two years, or such other period as may be prescribed for any class or description of register or record, after the date of the last entry in the register or record.

Periodical
return of
persons
employed.

142.—(1) The occupier of every factory shall, at intervals of not less than one year, on or before such days as the Minister may direct, send to the chief inspector a correct return specifying, with respect to such day or days, or such period as the Minister may direct, the number of persons employed in the factory, and giving such particulars as may be prescribed, as to the hours of employment of women and young persons employed, as to the age, sex, and occupation of all persons employed, and as to such other matters, if any, as the Minister may direct.

(2) The occupier of any place to which any of the provisions of this Act apply shall, if so required by the Minister, make a like return to the chief inspector.

(3) The Minister may, for the purpose of facilitating the rendering of the returns under this section by occupiers, arrange for the consolidation of those returns with any other returns which any Government department is empowered to call for from occupiers.

Duties of
persons
employed.

143.—(1) No person employed in a factory or in any other place to which any provisions of this Act apply shall wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of this Act for securing the health, safety or welfare of the persons employed in the factory or place, and where any means or appliance for securing health or safety is provided for the use of any such person under this Act, he shall use the means or appliance.

(2) No person employed in a factory or in any other place to which any provisions of this Act apply shall wilfully and without reasonable cause do anything likely to endanger himself or others.

Weights,
measures and
weighing and
measuring
instruments
used in
ascertaining
wages.

144.—(1) Every enactment for the time being in force relating to weights and measures or weighing or measuring instruments shall extend to weights, measures, and weighing instruments used in a factory for the purpose of checking or ascertaining the wages of any person employed therein, in like manner as if they were used for trade, and the power of the Board of Trade to make general regulations under section five of the Weights and Measures Act, 1904, shall include power to extend any of the provisions of any such enactment to such measuring instruments used in factories for the purposes aforesaid as may be specified in the regulations.

(2) Every inspector or other person authorised under the Acts relating to weights and measures or weighing or measuring instruments to inspect or examine weights and measures shall inspect, stamp, mark, search for, and examine the weights and measures and weighing and measuring instruments to which those Acts are extended by or under this section, and for that purpose shall have the same powers and duties as he has with respect to weights, measures and instruments used for trade.

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PART XI
ADMINISTRATION

145.—(1) The Minister, with the approval of the Treasury as to numbers and salaries, may appoint such inspectors (under whatever title he may from time to time determine) and such clerks and servants as he thinks necessary for the execution of this Act, and may assign to them their duties and award them their salaries, and may appoint a chief inspector with an office in London, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors, clerks, and servants.

Appointment
and duties of
inspectors
and clerks
and servants.

(2) In the appointment of inspectors of factories in Wales and Monmouthshire, among candidates otherwise equally qualified, persons having a knowledge of the Welsh language shall be preferred.

(3) Notice of the appointment of every inspector shall be published in the London Gazette.

(4) A person who is the occupier of a factory, or is directly or indirectly interested therein or in any process or business carried on therein, or in a patent connected therewith, or is employed in or about a factory, shall not act as an inspector.

(5) An inspector shall not be liable to serve on any jury.

(6) Such annual report of the proceedings of the inspectors as the Minister directs shall be laid before both Houses of Parliament.

(7) Any notice or other document required by this Act to be sent to an inspector shall be sent to such inspector as the Minister directs by declaration published in the London Gazette or otherwise as he thinks expedient for making the direction known to all persons interested.

146.—(1) An inspector shall, for the purpose of the execution of this Act, have power to do all or any of the following things, that is to say:—

Powers of
inspectors

(a) to enter, inspect, and examine at all reasonable times, by day and night, a factory, and every part thereof,

PART XI

when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory and any part of any building of which a factory forms part and in which he has reasonable cause to believe that explosive or highly inflammable materials are stored or used ;

- (b) to take with him a constable if he has reasonable cause to apprehend any serious obstruction in the execution of his duty ;
- (c) to require the production of the registers, certificates, notices, and documents kept in pursuance of this Act, and to inspect, examine, and copy any of them ;
- (d) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act and the enactments for the time being in force relating to public health are complied with, so far as respects a factory and any persons employed in a factory and any young persons to whom section one hundred and sixteen of this Act applies ;
- (e) to require any person whom he finds in a factory to give such information as it is in his power to give as to who is the occupier of the factory ;
- (f) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or in any employment mentioned in subsection (1) of the said section one hundred and sixteen and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined ; so, however, that no one shall be required under this provision to answer any question or to give any evidence tending to criminate himself ;
- (g) in the case of an inspector who is a fully registered medical practitioner, to carry out such medical examinations as may be necessary for the purposes of his duties under this Act ;
- (h) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) The occupier of every factory, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, the taking of samples, or otherwise for the exercise of his powers under this Act in relation to that factory.

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(3) If any person wilfully delays an inspector in the exercise of any power under this section, or fails to comply with the requisition of an inspector in pursuance of this section, or to produce any register, certificate, notice or document which he is required by or in pursuance of this Act to produce, or wilfully withholds any information as to who is the occupier of any factory, or conceals or prevents, or attempts to conceal or prevent, a person from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under this Act.

(4) Where an inspector is obstructed in the execution of his powers or duties under this Act, the person obstructing him shall be guilty of an offence, and liable to a fine not exceeding twenty pounds; and where an inspector is so obstructed in a factory, the occupier of that factory shall be guilty of an offence.

(5) Any certificate issued by a chief inspector, superintending inspector for a division, or an inspector for a district may be issued for a limited period or without limit of period and may be varied or revoked by that inspector or his successor in office.

147. The powers of an inspector under section one hundred and forty-six of this Act shall include the power to enter, inspect and examine at all reasonable times any warehouse and every part thereof— Extension of s. 146 to warehouses.

- (a) by day or night, when he has reasonable cause to believe that any young person is employed in or in connection with the warehouse in such circumstances that section one hundred and sixteen of this Act applies to him;
- (b) by day, when he has reasonable cause to believe that any young person has within the preceding two months been employed as aforesaid, but not that any young person is so employed;

and for the purposes of the powers conferred by this section a warehouse shall be deemed to be included in the expression "factory" in paragraphs (e) and (f) of subsection (1) of the said section one hundred and forty-six and in subsections (2), (3) and (4) thereof.

148.—(1) The like powers of entry and inspection as are conferred by this Act on an inspector shall be exercisable— Power of entry of officers of fire authorities and fire brigades.

- (a) by any officer carrying out, in accordance with subsection (1) of section forty-seven of this Act, an examination under section forty or section forty-one thereof; and

- (b) by an officer of the fire brigade maintained by a fire authority within the meaning of section forty-seven of this Act, when authorised in writing by an inspector,

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for the purpose of reporting to the inspector on any matter falling within the inspector's duties relating to fire ;

and subsections (2) to (4) of section one hundred and forty-six of this Act 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.

Power of
inspector
to conduct
proceedings.

149. An inspector, if so authorised in writing under the hand of the Minister, may, although he is not of counsel, or a solicitor, prosecute, conduct or defend—

(a) before a magistrates' court in England or Wales, any information, complaint or other proceeding ;

(b) before a court of summary jurisdiction in Scotland, any complaint, summary application or other proceeding ;

arising under this Act, or in the discharge of his duty as inspector.

Certificate of
appointment
of inspector.

150. Every inspector shall be furnished with the prescribed certificate of his appointment, and when visiting a factory or place to which any of the provisions of this Act apply shall, if so required, produce the said certificate to the occupier or other person holding a responsible position of management at the factory.

Appointed
factory
doctors.

151.—(1) Subject to any general directions of the Minister, the chief inspector or, in cases where the Minister so directs, a superintending inspector for a division, may appoint a sufficient number of fully registered medical practitioners to be appointed factory doctors for any of the purposes of this Act, and may revoke any such appointment.

(2) Every appointment and revocation of appointment of an appointed factory doctor may be annulled by the Minister upon appeal to him for that purpose.

(3) A medical practitioner who is the occupier of a factory, or is directly or indirectly interested therein, or in any process or business carried on therein, or in a patent connected therewith, shall not act as appointed factory doctor for that factory ; but nothing in this subsection shall, except in such cases and for such purposes as may be prescribed, prevent a medical practitioner appointed to act as appointed factory doctor for any factory from so acting by reason only of the fact that he is employed by the occupier of the factory in connection with the medical supervision of persons employed in the factory.

(4) The appointed factory doctor for any factory shall have power at all reasonable times to inspect the general register of that factory.

(5) The Minister may make rules regulating the duties of appointed factory doctors.

(6) An appointed factory doctor shall, if so directed by the Minister, make such special inquiry and examination of employed persons as may be directed.

(7) Every appointed factory doctor shall each year make at the prescribed time a report in the prescribed form to the Minister as to examinations made and other duties performed by him in pursuance of this Act.

(8) If and so long as there is no appointed factory doctor for a factory, the medical officer of health for the administrative county or county borough in which the factory is situate or such other medical officer of the council of that county or county borough as he may designate for the purpose, shall act as the appointed factory doctor for that factory.

(9) In the application of this section to Scotland, for the references in subsection (8) to an administrative county or county borough there shall be substituted respectively references to a county and a large burgh; and for the purposes of that subsection a small burgh shall be included within the county in which it is situate.

152. The fees to be paid to appointed factory doctors for carrying out their duties under this Act shall, so far as they relate to any examination or certificate with respect to the fitness of a young person for employment in a factory or to any examination or medical supervision of persons employed in a factory carried out in pursuance of regulations or an order under this Act, be paid by the occupier of that factory, and in any other case shall be defrayed as expenses of carrying this Act into effect, and the fees shall, subject to any agreement between the appointed factory doctor and the occupier of a factory as respects the fees payable by the occupier, be of such amount as may be determined by the Minister.

Fees of appointed factory doctors.

153.—(1) The medical officer of health of every district council shall—

Provisions as to county and district councils.

- (a) in his annual report to the council report specifically on the administration of, and furnish the prescribed particulars with respect to, the matters under Part I and Part VIII of this Act which are administered by the district council, and shall send a copy of his annual report or so much of it as deals with those matters to the Minister; and

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(b) give written notice to the inspector for the district of any factory coming to his knowledge in which no abstract of this Act is affixed in accordance with this Act.

(2) An officer of any district council appointed for the purpose of inspection of factories shall give a written notice to the inspector for the district of any factory coming to his knowledge in which no abstract of this Act is affixed in accordance with this Act.

(3) For the purpose of their duties under this Act, a county council and a district council and their officers shall, without prejudice to their other powers, have all such powers of entry, inspection, taking (except in Scotland) legal proceedings, or otherwise, as an inspector has, and accordingly, in relation to those duties the provisions of this Act as to furnishing means required by an inspector, and delaying or obstructing an inspector, shall be construed as including references to such officers; but no such powers of entry or inspection shall be exercised except by officers of the council authorised by them in writing in that behalf, either generally or specially, and any such officer shall if so required produce his authority to the occupier or other person holding a responsible position of management at the factory.

Prohibition of disclosure of information.

154. If any person who, in pursuance of powers conferred by section one hundred and forty-eight or section one hundred and fifty-three of this Act, is admitted into any factory or place discloses to any person any information obtained by him in the factory or place with regard to any manufacturing process or trade secret, he shall, unless the disclosure was made in the performance of his duty, be guilty of an offence and liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

PART XII

OFFENCES, PENALTIES AND LEGAL PROCEEDINGS

Offences.

155.—(1) In the event of any contravention in or in connection with or in relation to a factory of the provisions of this Act, or of any regulation or order made thereunder, the occupier, or (if the contravention is one in respect of which the owner is by or under this Act made responsible) the owner, of the factory shall, subject to the following provisions of this Part of this Act, be guilty of an offence.

(2) In the event of a contravention by an employed person of the provisions of Part X of this Act with respect to duties of persons employed or of a contravention by any person of

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any regulation or order made under this Act which expressly imposes any duty upon him, that person shall be guilty of an offence and the occupier or owner, as the case may be, shall not be guilty of an offence, by reason only of the contravention of the said provisions of Part X of this Act, or the contravention of the provision imposing the said duty, as the case may be, unless it is proved that he failed to take all reasonable steps to prevent the contravention; but this subsection shall not be taken as affecting any liability of the occupier or owner in respect of the same matters by virtue of some provision other than the provisions or provision aforesaid.

(3) If the occupier of a factory avails himself of any exception allowed by or under this Act and fails to comply with any of the conditions attached to the exception, he shall be deemed to have contravened the provisions of this Act.

(4) If any persons are employed in a factory otherwise than in accordance with the provisions of this Act or of any regulation or order made thereunder, there shall be deemed to be a separate contravention in respect of each person so employed.

(5) Where an offence under this Act committed by a company is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the company, he, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

156.—(1) Subject to the following provisions of this Part of this Act, any person guilty of an offence under this Act for which no express penalty is provided by this Act shall be liable—

Fines for offences for which no express penalty provided.

(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 fifty-seven 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.

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Power of court to order cause of contravention to be remedied.

157. Where the occupier or owner of a factory is convicted of an offence under this Act, the court may, in addition to or instead of inflicting a fine, order him, within the time specified in the order, to take such steps as may be so specified for remedying the matters in respect of which the contravention occurred, and may, on application, enlarge the time so specified, and where such an order is made, the occupier or owner shall not be liable under this Act in respect of the continuation of the contravention during the time allowed by the court, but if, after the expiration of that time as originally specified or enlarged by subsequent order, the order is not complied with, the occupier or owner, as the case may be, shall be liable to a fine not exceeding ten pounds for each day on which the non-compliance continues.

Fine for offence by parent.

158. If a young person is employed in any factory in contravention of the provisions of this Act, the parent of the young person shall be guilty of an offence and liable to a fine not exceeding ten pounds, unless it appears to the court that the contravention occurred without the consent, connivance, or wilful default of the parent.

Forgery of certificates, false entries, and false declarations.

159. If any person—

- (a) forges or counterfeits any certificate required by, under, or for the purposes of, this Act or any order or regulation made thereunder ;
- (b) gives or signs any such certificate knowing it to be false in any material particular ;
- (c) knowingly utters or makes use of any such certificate so forged, counterfeited, or false as aforesaid ;
- (d) knowingly utters or makes use of as applying to any person any such certificate which does not so apply ;
- (e) personates any person named in any such certificate ;
- (f) falsely pretends to be an inspector ;
- (g) wilfully connives at any such forging, counterfeiting, giving, signing, uttering, making use, personating or pretending as aforesaid ;
- (h) wilfully makes a false entry in any register, notice, certificate, or document required by, under or for the purposes of this Act or any order or regulation made thereunder to be kept or served or sent ;
- (j) wilfully makes or signs a false declaration required by, under or for the purposes of this Act or any order or regulation made thereunder ;
- (k) knowingly makes use of any such false entry or declaration as aforesaid ;

he shall, without prejudice to any other penalty, be guilty of an offence under this Act, and liable to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months.

160.—(1) Where an act or default for which any person is liable under this Act is in fact the act or default of some other person, that other person shall be guilty of an offence and liable, subject to subsection (2) of this section, to the like fine as if he were the first-mentioned person.

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Penalty on person actually committing an offence for which other person is primarily liable.

(2) The fine that may be imposed under subsection (1) of this section on an employed person where the offence is one for which no express penalty is provided by this Act shall be that specified in section one hundred and fifty-six of this Act in relation to employed persons, notwithstanding that the person primarily liable is not an employed person.

161.—(1) In England and Wales, a person charged with an offence under this Act 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 whom he charges as the actual offender 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 first-mentioned person proves to the satisfaction of the court—

Power of person primarily liable to exempt himself from liability.

- (a) that he has used all due diligence to enforce the execution of this Act and of any relevant order or regulation made thereunder; and
- (b) that the said other person had committed the offence in question without his consent, connivance, or wilful default;

that other person shall be summarily convicted of the offence, and the first-mentioned person shall not be guilty of the offence, and the person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

(2) The prosecution shall have the right in any such case to cross-examine the first-mentioned person if he gives evidence and any witnesses called by him in support of his charge, and to call rebutting evidence.

(3) In Scotland, a person charged with an offence under this Act who proves to the satisfaction of the court that he has used all due diligence to enforce the execution of this Act and of any relevant order or regulation made thereunder and that the offence was due to the act or default of some other person who committed it without his consent, connivance or wilful default, shall be acquitted of the offence.

(4) When it is made to appear to the satisfaction of an inspector at the time of discovering an offence—

- (a) that the person who would be proceeded against apart from this subsection has used all due diligence to enforce the execution of this Act; and

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- (b) by what person the offence has been committed ; and
 (c) that it has been committed without the consent, connivance or wilful default of the first-mentioned person and in contravention of his orders,

the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the first-mentioned person.

Proceedings against persons not primarily liable.

162. Where, under this Act, any person is substituted for another with respect to any provisions of this Act, any order, summons, notice or proceeding which for the purpose of any of those provisions is by or under this Act required or authorised to be served on or taken in relation to that other person, is hereby required or authorised (as the case may be) to be served on or taken in relation to the first-mentioned person.

Owner of machine liable in certain cases instead of occupier.

163. Where in a factory the owner or hirer of a machine or implement moved by mechanical power is some person other than the occupier of the factory the owner or hirer shall, so far as respects any offence under this Act committed in relation to a person who is employed in or about or in connection with that machine or implement, and is in the employment or pay of the owner or hirer, be deemed to be the occupier of the factory.

Prosecution of offences and application of fines.

164.—(1) All offences under this Act shall be triable summarily.

(2) In any proceedings under this Act it shall be sufficient in the information or, in Scotland, complaint to allege that the factory is a factory within the meaning of this Act and to state the name of the ostensible occupier of the factory, or, where the occupier is a firm, the title of the firm.

(3) The court shall in any proceedings under this Act, if required by either party, cause minutes of the evidence to be taken and preserved.

(4) Where, with respect to or in consequence of any accident in a factory, a report is made by the court appointed to hold a formal investigation under this Act or under the Boiler Explosions Acts, 1882 and 1890, or a coroner's inquest or a public inquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895, or the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act, 1906, is held, and it appears from the report, or from the proceedings at the inquest or inquiry, that any of the provisions of this Act, or any orders or regulations made thereunder, were not complied with at or before the time of the accident, summary proceedings against any person liable to be proceeded against in respect of the non-compliance may be commenced at any time within three months after the making of the report or the conclusion of the inquest or inquiry.

(5) Where any offence is committed under this Act by reason of a failure to make an examination, enter a report, or do any other thing, at or within a time specified by this Act or any regulation or order made thereunder, the offence shall be deemed to continue until the examination is made, or the report entered, or the other thing done, as the case may be.

(6) Any sum paid to the Secretary of State in pursuance of section twenty-seven of the Justices of the Peace Act, 1949, in respect of a fine recovered under this Act shall be deemed to be Exchequer moneys within the meaning of that section and shall be paid by the Secretary of State into the Exchequer; and all fines imposed in Scotland in respect of offences under this Act shall be paid into the Exchequer.

(7) Where a proceeding is taken before a magistrates' court or other court of summary jurisdiction with respect to an offence under this Act alleged to be committed in or with reference to a factory, no person shall be qualified to act as a member of the court who is the occupier or owner of the factory, or the husband, wife, parent, son, daughter, brother, or sister of the occupier or owner of the factory, or a person engaged in, or an officer of any association of persons engaged in, the same trade or occupation as any person charged with the offence.

165. Any person aggrieved by an order made by a magistrates' court on determining a complaint under this Act may appeal therefrom to a court of quarter sessions. Appeal from orders made on complaint.

166.—(1) If a person is found in a factory at any time at which work is going on or the machinery is in motion, except during the intervals for meals or rest, he shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory, unless the factory is one in which the only persons employed are members of the same family dwelling there. Special provisions as to evidence.

(2) Where in any proceedings under this Act with respect to a young person it appears to the court that that young person is apparently of or below the age alleged by the informant, or, in Scotland, by the prosecutor, it shall lie on the accused to prove that the young person is not of or below that age.

(3) Where any entry is required by this Act or by any order or regulations made thereunder to be made in the general register or in any other register or record, the entry made by the occupier of a factory or on his behalf shall, as against him, be admissible as evidence of the facts therein stated, and the fact that any entry so required with respect to the observance of any provision of this Act or of any order or regulation made thereunder has not been made, shall be admissible as evidence that that provision has not been observed.

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Proceedings
for offences
in respect
of the
employment
of children.

167. For the purposes of any proceedings under this Act in respect of the employment of children in contravention of section fourteen of the Education Act, 1918, section seventeen of the Education (Scotland) Act, 1918, or section one of the Employment of Women, Young Persons, and Children Act, 1920, or any other enactment prohibiting the employment of children which is incorporated with this Act, references in this Part of this Act to young persons shall be construed as including references to children within the meaning of any such enactment.

Service of
documents,
etc.

168.—(1) Any document (including any summons or order) required or authorised to be served under this Act may be served—

- (a) on any person by delivering it to him, or by leaving it at, or sending it by post to, his residence ;
- (b) on any firm by delivering it to any partner of the firm, or by leaving it at, or sending it by post to, the office of the firm ;
- (c) on the owner or occupier of a factory (including any such owner or occupier being a company to which the Companies Act, 1948, applies), in any such manner as aforesaid, or by delivering it, or a true copy thereof, to any person apparently not under the age of sixteen years at the factory.

(2) Any such document may be addressed for the purpose of the service thereof on the occupier of a factory, to “the occupier” at the proper postal address of the factory, without further name or description.

(3) The foregoing provisions of this section shall apply with the necessary modifications to documents required or authorised under this Act to be sent to any person, firm, owner or occupier, and to the sending, addressing, and delivery of such documents.

Power of
county court
or sheriff to
modify
agreements.

169. If by reason of an agreement between the owner and the occupier of premises the whole or any part of which has been let as a factory the owner or occupier is prevented from carrying out any structural or other alterations in the premises which are necessary to enable him to comply with the provisions of this Act or of any regulation or order made under this Act or in order to conform with any standard or requirement imposed by or under this Act, he may apply to the county court or, in Scotland, the sheriff, and the court or sheriff, after hearing the parties and any witnesses whom they desire to call, may make such an order setting aside or modifying the terms of the agreement as the court or sheriff considers just and equitable in the circumstances of the case.

170. Where in any premises the whole or any part of which has been let as a factory any structural or other alterations are required in order to comply with the provisions of this Act or of any regulation or order made under this Act or in order to conform with any standard or requirement imposed by or under this Act and the owner or occupier as the case may be alleges that the whole or part of the expenses of the alterations ought to be borne by the occupier or owner, the owner or occupier may apply to the county court or, in Scotland, the sheriff, and the court or sheriff, after hearing the parties and any witnesses whom they may desire to call, may make such an order concerning the expenses or their apportionment as the court or sheriff considers just and equitable in the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the court or sheriff may at the request of the owner or occupier determine the lease.

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Power of county court or sheriff to apportion expenses.

171. The Arbitration Act, 1950, shall not apply to proceedings under this Act except in so far as it may be applied by regulations made under this Act.

Application of Arbitration Act, 1950.

PART XIII

APPLICATION OF ACT

172. Save as in this Act otherwise expressly provided, the provisions of this Act shall apply only to factories as defined by this Act, but shall, except where the contrary intention appears, apply to all such factories.

General application.

173.—(1) This Act applies to factories belonging to or in the occupation of the Crown, to building operations and works of engineering construction undertaken by or on behalf of the Crown, and to the employment by or under the Crown of persons in painting buildings; but in case of any public emergency the Minister may, by order, to the extent and during the period named in the order exempt from this Act any factory belonging to the Crown or any building operations or works of engineering construction undertaken by or on behalf of the Crown, or any factory in respect of work which is being done on behalf of the Crown.

Application to Crown.

(2) The powers conferred by this Act on a district council or other local authority shall, in the case of a factory belonging to or in the occupation of the Crown, or building operations or works of engineering construction undertaken by or on behalf of the Crown, be exercised by an inspector under this Act; and any notice required by this Act to be sent to a district council shall in any such case be sent to the inspector for the district.

PART XIII
Mines and
quarries.

174.—(1) In section one hundred and eighty-four of the Mines and Quarries Act, 1954 (which relates to premises forming part of a mine or quarry which, but for that fact, would be factories or premises treated in some respect as if they were factories) the words “the Factories Act, 1961” shall be substituted for the words “the Factories Acts, 1937 and 1948”, wherever they occur, and for the words “the Factories Act, 1937” in subsection (7); and for subsection (5) there shall be substituted the following subsection:—

“(5) References in subsections (1) to (4) of this section to provisions of the Factories Act, 1961, shall be construed as exclusive of references to section one hundred and twenty-seven (which applies other provisions of that Act to building operations and works of engineering construction) and to the other provisions of that Act in so far as, by virtue of that section, they are applicable to such operations or works; but the said section shall not apply—

(a) to any building operations undertaken below ground in a mine; or

(b) to any works of engineering construction undertaken at a mine (whether above or below ground) or at a quarry”.

(2) The Minister may make arrangements with the Minister of Power, with respect to any premises or place in or adjacent to a quarry or mine, for the exercise and performance by the Minister of Power of any of the powers and duties of the Minister under this Act and for the exercise and performance by the Minister of any of the powers and duties of the Minister of Power relating to quarries and mines, and it shall be lawful for the Minister of Power and his officers and the Minister and his officers respectively to exercise and perform the said powers and duties in accordance with the arrangements.

PART XIV

INTERPRETATION AND GENERAL

Interpretation

Interpretation
of expression
“factory”.

175.—(1) Subject to the provisions of this section, the expression “factory” means any premises in which, or within the close or curtilage or precincts of which, persons are employed in manual labour in any process for or incidental to any of the following purposes, namely:—

(a) the making of any article or of part of any article; or

(b) the altering, repairing, ornamenting, finishing, cleaning, or washing or the breaking up or demolition of any article; or

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- (c) the adapting for sale of any article ;
- (d) the slaughtering of cattle, sheep, swine, goats, horses, asses or mules ; or
- (e) the confinement of such animals as aforesaid while awaiting slaughter at other premises, in a case where the place of confinement is available in connection with those other premises, is not maintained primarily for agricultural purposes within the meaning of the Agriculture Act, 1947, or, as the case may be, the Agriculture (Scotland) Act, 1948, and does not form part of premises used for the holding of a market in respect of such animals ;

being premises in which, or within the close or curtilage or precincts of which, the work is carried on by way of trade or for purposes of gain and to or over which the employer of the persons employed therein has the right of access or control.

(2) The expression "factory" also includes the following premises in which persons are employed in manual labour (whether or not they are factories by virtue of subsection (1) of this section), that is to say,—

- (a) any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted, finished or broken up ;
- (b) any premises in which the business of sorting any articles is carried on as a preliminary to the work carried on in any factory or incidentally to the purposes of any factory ;
- (c) any premises in which the business of washing or filling bottles or containers or packing articles is carried on incidentally to the purposes of any factory ;
- (d) any premises in which the business of hooking, plaiting, lapping, making-up or packing of yarn or cloth is carried on ;
- (e) any laundry carried on as ancillary to another business, or incidentally to the purposes of any public institution ;
- (f) except as provided in subsection (10) of this section, any premises in which the construction, reconstruction or repair of locomotives, vehicles or other plant for use for transport purposes is carried on as ancillary to a transport undertaking or other industrial or commercial undertaking ;
- (g) any premises in which printing by letterpress, lithography, photogravure, or other similar process, or bookbinding is carried on by way of trade or for purposes of gain or incidentally to another business so carried on ;

PART XIV

- (h) any premises in which the making, adaptation or repair of dresses, scenery or properties is carried on incidentally to the production, exhibition or presentation by way of trade or for purposes of gain of cinematograph films or theatrical performances, not being a stage or dressing-room of a theatre in which only occasional adaptations or repairs are made ;
- (j) any premises in which the business of making or mending nets is carried on incidentally to the fishing industry ;
- (k) any premises in which mechanical power is used in connection with the making or repair of articles of metal or wood incidentally to any business carried on by way of trade or for purposes of gain ;
- (l) any premises in which the production of cinematograph films is carried on by way of trade or for purposes of gain, so, however, that the employment at any such premises of theatrical performers within the meaning of the Theatrical Employers Registration Act, 1925, and of attendants on such theatrical performers shall not be deemed to be employment in a factory ;
- (m) any premises in which articles are made or prepared incidentally to the carrying on of building operations or works of engineering construction, not being premises in which such operations or works are being carried on ;
- (n) any premises used for the storage of gas in a gasholder having a storage capacity of not less than five thousand cubic feet.

(3) Any line or siding (not being part of a railway or tramway) which is used in connection with and for the purposes of a factory, shall be deemed to be part of the factory ; and if any such line or siding is used in connection with more than one factory belonging to different occupiers, the line or siding shall be deemed to be a separate factory.

(4) A part of a factory may, with the approval in writing of the chief inspector, be taken to be a separate factory and two or more factories may, with the like approval, be taken to be a single factory.

(5) Any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a factory if the persons working therein were in the employment of the owner or occupier, shall be deemed to be a factory for the purposes of this Act, and, in the case of any such workplace not being a tenement factory or part of a tenement factory, the provisions of this Act shall apply as if the owner or occupier of the workplace were the occupier of the factory and the persons working therein were persons employed in the factory.

PART XIV

(6) Where a place situate within the close, curtilage, or precincts forming a factory is solely used for some purpose other than the processes carried on in the factory, that place shall not be deemed to form part of the factory for the purposes of this Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory.

(7) Premises shall not be excluded from the definition of a factory by reason only that they are open air premises.

(8) Where the Minister by regulations so directs as respects all or any purposes of this Act, different branches or departments of work carried on in the same factory shall be deemed to be different factories.

(9) Any premises belonging to or in the occupation of the Crown or any municipal or other public authority shall not be deemed not to be a factory, and building operations or works of engineering construction undertaken by or on behalf of the Crown or any such authority shall not be excluded from the operation of this Act, by reason only that the work carried on thereat is not carried on by way of trade or for purposes of gain.

(10) Premises used for the purpose of housing locomotives or vehicles where only cleaning, washing, running repairs or minor adjustments are carried out shall not be deemed to be a factory by reason only of paragraph (f) of subsection (2) of this section, unless they are premises used for the purposes of a railway undertaking where running repairs to locomotives are carried out.

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

“bakehouse” means any place in which bread, biscuits or confectionery is or are baked by way of trade or for purposes of gain ;

“bank holiday” means a holiday under the Holidays Extension Act, 1875 ;

“bodily injury” includes injury to health ;

“building operation” means the construction, structural alteration, repair or maintenance of a building (including re-pointing, re-decoration and external cleaning of the structure), the demolition of a building, and the preparation for, and laying the foundation of, an intended building, but does not include any operation which is a work of engineering construction within the meaning of this Act ;

“calendar year” means the period of twelve months beginning with the first day of January in any year ;

PART XIV

- “ chief inspector ” means the chief inspector appointed under this Act, and includes a deputy chief inspector ;
- “ child ” means any person who is not for the purposes of the Education Act, 1944, over compulsory school age (or for the purposes of the Education (Scotland) Act, 1946, over school age) ;
- “ class or description ”, in relation to factories, includes a group of factories described by reference to locality ;
- “ contravention ” includes, in relation to any provision, a failure to comply with that provision, and the expression “ contravene ” shall be construed accordingly ;
- “ cotton cloth factory ” means any room, shed or workshop, or part thereof, in which the weaving of cotton cloth is carried on ;
- “ degrees ” means degrees Fahrenheit ;
- “ district council ” means, as respects England and Wales, the council of a borough or county district, and, as respects Scotland, the council of a county or the town council of a burgh ;
- “ driving-belt ” includes any driving strap or rope ;
- “ fume ” includes gas or vapour ;
- “ general register ” means the register kept in accordance with the requirements of section one hundred and forty of this Act ;
- “ humid factory ” means a factory in which atmospheric humidity is artificially produced by steaming or other means in connection with any textile process ;
- “ inspector ” means, except where otherwise expressed, an inspector appointed under this Act, and a reference to the inspector for the district or to the superintending inspector for the division refers, as respects any factory, to the inspector in charge of the district, or the superintending inspector in charge of the division. in which the factory is situate ;
- “ machinery ” includes any driving-belt ;
- “ magistrates’ court ” has the same meaning as in the Magistrates’ Courts Act, 1952 ;
- “ maintained ” means maintained in an efficient state, in efficient working order, and in good repair ;
- “ the Minister ” means the Minister of Labour ;
- “ owner ”—

(a) as respects England and Wales, means the person for the time being receiving the rackrent of the premises in connection with which the word is used,

whether on his own account or as agent or trustee for another person, or who would so receive the rackrent if the premises were let at a rackrent; and

(b) as respects Scotland, means the person for the time entitled to receive or who would, if the same were let, be entitled to receive, the rents of the premises, and includes a trustee, factor, tutor or curator, and in the case of public or municipal property, applies to the persons to whom the management thereof is entrusted;

- “parent” means a parent or guardian of, or person having the legal custody of, or the control over, a child or young person, and includes, in relation to any child or young person, any person having direct benefit from his wages;
- “period of employment” means the period (inclusive of the time allowed for meals and rest) within which persons may be employed on any day;
- “prescribed” means prescribed by order of the Minister;
- “prime mover” means every engine, motor or other appliance which provides mechanical energy derived from steam, water, wind, electricity, the combustion of fuel or other source;
- “process” includes the use of any locomotive;
- “railway” means any railway used for the purposes of public traffic whether passenger, goods, or other traffic and includes any works of the railway company connected with the railway;
- “railway company” includes the British Transport Commission and a company or person working a railway under lease or otherwise;
- “sanitary conveniences” includes urinals, water-closets, earthclosets, privies, ashpits, and any similar convenience;
- “special regulations” means regulations with respect to which the Fourth Schedule to this Act has effect;
- “ship”, “vessel”, and “harbour” have the same meanings as in the Merchant Shipping Act, 1894;
- “tenement factory” means any premises where mechanical power from any prime mover within the close or curtilage of the premises is distributed for use in manufacturing processes to different parts of the same premises occupied by different persons in such manner that those parts constitute in law separate factories;

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- “ tramway ” means a tramway authorised by or under any Act of Parliament and used for the purpose of public traffic ;
- “ transmission machinery ” means every shaft, wheel, drum, pulley, system of fast and loose pulleys, coupling, clutch, driving-belt or other device by which the motion of a prime mover is transmitted to or received by any machine or appliance ;
- “ week ” means the period between midnight on Saturday night and midnight on the succeeding Saturday night ;
- “ woman ” means a woman who has attained the age of eighteen ;
- “ work of engineering construction ” means the construction of any railway line or siding otherwise than upon an existing railway, and the construction, structural alteration or repair (including re-pointing and re-painting) or the demolition of any dock, harbour, inland navigation, tunnel, bridge, viaduct, waterworks, reservoir, pipe-line, aqueduct, sewer, sewage works, or gasholder, except where carried on upon a railway or tramway, and includes such other works as may be specified by regulations of the Minister ;
- “ young person ” means a person who has ceased to be a child but has not attained the age of eighteen.

(2) For the purposes of this Act, machinery or plant shall be deemed to have been constructed or reconstructed, and a factory or building to have been constructed, reconstructed, extended, added to, or converted for use as a factory, before any date, if the construction, reconstruction, extension, addition, or conversion was begun before that date.

(3) For the purposes of this Act, a factory shall not be deemed to be a factory in which mechanical power is used by reason only that mechanical power is used for the purpose of heating, ventilating or lighting the workrooms or other parts of the factory.

(4) A woman, young person, or child who works in a factory, whether for wages or not, either in a process or in cleaning any part of the factory used for any process, or in cleaning or oiling any part of the machinery or plant, or in any other kind of work whatsoever incidental to or connected with the process, or connected with the article made or otherwise the subject of the process therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein for the purposes of this Act or of any proceedings thereunder, except that a woman employed solely in cleaning a factory or any part thereof, otherwise than in cleaning which is incidental to or connected with any process, shall not be deemed for the purposes of Part VI of this Act to be employed in the factory.

(5) A young person who works in a factory, whether for wages or not, in collecting, carrying or delivering goods, carrying messages or running errands shall be deemed to be employed in the factory for the purposes of this Act or of any proceedings thereunder, but the provisions of Part VI of this Act shall not apply, except as expressly provided, to any such young person who is employed mainly outside the factory.

(6) For the purposes of this Act, employment shall be deemed to be continuous unless interrupted by an interval of at least half an hour.

(7) For the purposes of this Act, an apprentice shall be deemed to be a person employed.

(8) This Act shall in its application to London have effect as if for references to district councils there were substituted, as respects the City of London references to the common council, and as respects the remainder of the administrative county of London, references to metropolitan borough councils.

(9) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this Act.

General

177.—(1) The Minister shall promote health, safety and welfare in factories and premises and operations to which this 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.

Promotion of health, safety and welfare.

(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.

178.—(1) Where the age of any person is required to be ascertained or proved for the purposes of this Act, any person shall, on presenting a written requisition in such form and containing such particulars as the Minister of Housing and Local Government or, as respects Scotland, the Secretary of State may by regulations prescribe and on payment of a fee of sixpence, be entitled to obtain a certified extract under the hand of a registrar or superintendent registrar of births and deaths of the entry in the register under the Births and Deaths Registration Act, 1953, or the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, of the birth of that person.

Certificates of birth.

PART XIV

(2) A form of such a requisition shall on request be supplied without charge by every superintendent registrar and registrar of births and deaths.

Inspection
of certain
premises.

179. Where in any premises which are subject to inspection by or under the authority of any Government department any manual labour is exercised, otherwise than for the purposes of instruction, in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of any article, and the premises do not constitute a factory, the Minister may arrange with the department that the premises shall, as respects the matters dealt with by this Act, be inspected by an inspector appointed under this Act, and where such an arrangement is made, such inspectors shall have, as respects such matters as aforesaid, the like right of entry and inspection as is conferred on inspectors or other officers of the department concerned.

Regulations,
rules and
orders.

180.—(1) Any regulations, rules or orders made under this Act shall be made by statutory instrument, except 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.

(2) Any statutory instrument containing regulations under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Any power conferred by this Act to make regulations, rules or orders shall include power to make different provisions in relation to different circumstances.

(4) Any power conferred by this Act to make an order shall include power to revoke such an order by a subsequent order.

(5) Any power conferred by the provisions of this Act specified in the first column of the Third Schedule to this Act to prescribe standards as to the matters mentioned in the second column of that Schedule may be exercised either—

(a) so that conformity to the prescribed standard is to be both obligatory and a sufficient compliance with the requirements of this Act for the purposes of which the standard is prescribed ; or

(b) so that conformity to the prescribed standard is to be obligatory, but is not necessarily to be taken as a sufficient compliance with those requirements.

(6) Any power conferred by this Act to prescribe standards or impose requirements shall include power to do so by reference to the approval of the chief inspector.

PART XIV

(7) Any power to make regulations, rules or orders conferring or providing for exemptions from any requirement of this Act or of an instrument made thereunder shall include power to provide for particular exemptions to be granted, either unconditionally or subject to conditions, by an inspector, and a power to impose any requirement by an instrument under this Act shall include power to provide for exemptions from the requirement in special circumstances.

(8) Where this Act provides for its enforcement with respect to any matters by some other officer than an inspector, then with respect to those matters subsection (7) of this section shall have effect with the substitution of a reference to that officer for the reference to an inspector.

(9) Any regulations or order made by the Minister under this Act may be made for a limited period or without limit of period and may be made subject to such conditions as he thinks fit, and may contain such supplemental and consequential provisions as he considers necessary for giving full effect to the regulations or order.

(10) The provisions of the Fourth Schedule to this Act shall have effect with respect to regulations referred to in this Act as special regulations.

181.—(1) The provisions contained in the Fifth Schedule to this Act (being provisions of the Factory and Workshop Act, 1901, which do not apply in England outside the administrative county of London, set out with the necessary modifications) shall have effect in Scotland and in the administrative county of London in lieu of the corresponding provisions repealed by the Factories Act, 1937, and shall be enforced by the district council.

Substitution of corresponding provisions for certain provisions of Factory and Workshop Act, 1901.

(2) Section ten of this Act shall apply with respect to those provisions as it applies with respect to the provisions of Part I of this Act, except that references in that section to the Minister and to an inspector shall, for the purposes of the application thereof under this section, be construed as references to the Minister of Housing and Local Government (or, in Scotland, the Secretary of State) and to an officer appointed by him, and any such officer shall have the like powers as an inspector.

(3) In this section, section ten of this Act as applied by this section, and the Fifth Schedule to this Act, as they apply in Scotland, "district council" means a county council or the town council of a large burgh; and for the purposes of those provisions a small burgh shall be included within the county in which it is situate.

PART XIV
General
application
to Scotland.

182.—(1) The provisions of this section shall, in addition to any express provision for the application to Scotland of any provision of this Act, have effect for the general application of this Act to Scotland.

(2) In this Act the expressions “large burgh” and “small burgh” have the like meanings as in the Local Government (Scotland) Act, 1947.

(3) All matters required by this Act to be published in the London Gazette shall, if they relate to Scotland, be published in the Edinburgh Gazette either in addition or in substitution, as the case may require.

(4) Any offence against this Act for which the maximum penalty that may be imposed does not exceed ten pounds may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act, 1954, having jurisdiction in the place where the offence was committed.

(5) The district council responsible for enforcing any provision of this Act may prosecute in respect of any offence against such a provision committed within their district, and may appear in any proceedings instituted by them under this Act by their clerk or other officer duly authorised in that behalf.

(6) It shall not be an objection to the competency of an inspector or of any person prosecuting in pursuance of the power conferred by subsection (5) of this section to give evidence as a witness in any prosecution for an offence against this Act that the prosecution is brought at his instance, or conducted by him.

(7) Every person convicted of an offence against this Act may be found liable in expenses.

(8) Section twenty-nine of the Public Health (Scotland) Act, 1897, shall not apply in relation to any factory within the meaning of this Act.

(9) The powers conferred by this Act on county and town councils and their officers shall, for the purposes of their duties under the Public Health (Scotland) Act, 1897, extend to factories within the meaning of that Act.

Transitional
provisions
and repeals.

183.—(1) This Act shall have effect subject to the provisions of the Sixth Schedule to this Act.

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

184.—(1) Nothing in this Act shall affect the definition of the expressions “factory” and “workshop” for the purposes of the Rating and Valuation (Apportionment) Act, 1928, but save as aforesaid references in any enactment to a factory or workshop within the meaning of the Factory and Workshop Acts, 1901 to 1929, or any of those Acts, shall be construed as references to a factory within the meaning of this Act.

PART XIV
Construction of references in other enactments to factories and workshops, etc. and exclusion of certain provisions of Public Health (London) Act, 1936.

(2) References in any enactment to an examining surgeon appointed under the Factories Act, 1937, shall be construed as references to a person appointed under section one hundred and fifty-one of this Act.

(3) Section one hundred and six of the Public Health (London) Act, 1936 (which relates to sanitary conveniences for factories), section one hundred and twenty-eight of that Act (which relates to nuisances from certain factories, workshops and work places), and section one hundred and twenty-nine of that Act (which relates to lime-washing and washing of certain factories, workshops and work places) shall not apply to any factory to which this Act applies.

185.—(1) This Act may be cited as the Factories Act, 1961.

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

(3) This Act, except subsections (1) and (2) of section seventy-seven and so much of section one hundred and eighty-three and the Seventh Schedule as repeals the provisions replaced by those subsections, does not extend to Northern Ireland.

Short title, commencement and extent.

SCHEDULES

FIRST SCHEDULE

TABLE OF HUMIDITY

Section 68.

| I Dry Bulb Thermometer Readings | II Wet Bulb Thermometer Readings |
|------------------------------------|-------------------------------------|
| Degree Fahrenheit | Degree Fahrenheit |
| 50 | 48 |
| 51 | 49 |
| 52 | 50 |
| 53 | 51 |
| 54 | 52 |
| 55 | 53 |
| 56 | 54 |
| 57 | 55 |
| 58 | 56 |
| 59 | 57 |
| 60 | 58 |
| 61 | 59 |
| 62 | 60 |
| 63 | 61 |
| 64 | 62 |
| 65 | 63 |
| 66 | 64 |
| 67 | 65 |
| 68 | 66 |
| 69 | 67 |
| 70 | 68 |
| 71 | 68·5 |
| 72 | 69 |
| 73 | 70 |
| 74 | 70·5 |
| 75 | 71·5 |
| 76 | 72 |
| 77 | 73 |
| 78 | 73·5 |
| 79 | 74·5 |
| 80 | 75·5 |
| 81 | 76 |
| 82 | 76·5 |
| 83 | 77·5 |
| 84 | 78 |
| 85 | 79 |
| 86 | 80 |

Section 120.

SECOND SCHEDULE

MODIFICATION 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 forty to forty-eight and fifty-two of this Act, except subsections (1) and (10) of section forty-eight and so much of subsection (1) of section forty-one as requires the means of escape to be kept free from any obstruction caused by the use of the factory.

4. Subsections (1) and (10) of section forty-eight of this 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 (3) of section forty-one of this 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 forty-eight of this 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.

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 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 fifty-two of this Act shall have effect subject to the following modifications, that is to say—

- (a) the certificate under section forty of this 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

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- 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 (7) of section forty and in section fifty-two 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 sixty-six of this Act 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 forty of this Act to the certificate shall be construed as a reference to the copy issued in pursuance of this paragraph.

Section 180 (5).

THIRD SCHEDULE

POWERS TO PRESCRIBE STANDARDS

| <i>Provision of Act</i> | <i>Matters for which standards may be prescribed</i> |
|---------------------------------------|--|
| Subsection (3) of section three | ... Temperature in workrooms. |
| Subsection (2) of section four | ... Ventilation of workrooms. |
| Subsection (2) of section five ... | ... Lighting. |
| Subsection (2) of section seven | ... Sanitary conveniences. |
| Subsection (2) of section fifty-eight | ... Washing facilities. |
| Subsection (2) of section fifty-nine | ... Accommodation for clothing |

Section 180 (10).

FOURTH SCHEDULE

PROCEDURE FOR MAKING SPECIAL REGULATIONS

1. Before the Minister makes any special regulations he shall publish in the London Gazette, and in such other manner as he may think best adapted for informing persons affected, notice of the proposal to make the regulations, and of the place where copies of the draft regulations may be obtained, and of the time (which shall be not less than twenty-one days) within which any objection made with respect to the draft regulations by or on behalf of persons affected must be sent to him.

2. Every objection must be in writing and state—

(a) the specific grounds of objection ; and

(b) the omissions, additions, or modifications asked for.

3. The Minister shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent

to him within the required time, and he may, if he thinks fit, amend the draft regulations, and, after doing so, he shall, unless an inquiry has been held under this Schedule, cause the amended draft to be dealt with in like manner as an original draft.

4TH SCH.

4. If after the publication of the notice with respect to any draft regulations (whether an original or amended draft) any general objection (as defined in paragraph 6 of this Schedule) is made within the required time with respect to the draft and not withdrawn, then, unless a previous inquiry under this Schedule has been held with respect to the draft or some previous draft of the regulations, he shall before making the regulations direct an inquiry to be held in the manner hereinafter provided and he may, if he thinks fit, also direct such an inquiry to be held in regard to any objection, notwithstanding that no such general objection has been made or that such a previous inquiry has been held as aforesaid.

5. Where any such inquiry is to be held as to any draft regulations, the following provisions shall have effect with respect to the inquiry—

- (a) the Minister shall appoint a competent person or competent persons to hold the inquiry, and to report to him thereon;
- (b) the inquiry shall be held in public, and the chief inspector and any objector and any other person who, in the opinion of the person holding the inquiry or, if there is more than one such person, of the person presiding over the inquiry, is affected by the draft regulations, may appear at the inquiry either in person or by counsel, solicitor, or agent;
- (c) the witnesses may, if the person holding or presiding over the inquiry thinks fit, be examined on oath;
- (d) subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Minister and the rules may make provision as to the costs of the inquiry and other proceedings, including the remuneration of the person or persons holding the inquiry.

6. In this Schedule the expression "general objection" means, as respects any draft regulations, an objection made—

- (a) by or on behalf of the majority of the occupiers of the factories affected by the draft regulations or by or on behalf of the occupier or occupiers employing a majority of the persons employed in those factories, or by any person who satisfies the Minister that he or an association on behalf of which he acts represents a majority of the persons employed in those factories; or
- (b) by or on behalf of the majority of the occupiers of any class or description of factories affected as respects which it appears to the Minister that, by reason of special conditions existing in connection therewith, there is reason to believe that any of the requirements of the draft regulations may be unnecessary or inappropriate in the case of

4TH SCH.

that class or description, or by or on behalf of the occupier or occupiers employing a majority of the persons employed in any such class or description of factories as aforesaid or by any person who satisfies the Minister that he or an association on behalf of which he acts represents a majority of the persons employed in any such class or description of factories as aforesaid.

Section 181.

FIFTH SCHEDULE

PROVISIONS OF THE FACTORY AND WORKSHOP ACT, 1901, APPLICABLE IN LONDON AND SCOTLAND ONLY AND ADMINISTERED BY DISTRICT COUNCILS

Prohibition of employment of women after childbirth.

61. If the occupier of a factory knowingly allows a woman or girl to be employed therein within four weeks after she has given birth to a child, he shall be liable to a fine not exceeding three, or if the offence was committed during the night five, pounds for each person so employed, and in the case of a second or subsequent conviction within two years after the last conviction for the like offence not less than one pound for each offence.

Making of wearing apparel where there is scarlet fever or smallpox.

109. If the occupier of a factory or of any place from which any work is given out, or any contractor employed by any such occupier, causes or allows wearing apparel to be made, cleaned, or repaired, in any dwelling-house or building occupied therewith, while any inmate of the dwelling-house is suffering from scarlet fever or smallpox, then, unless he proves that he was not aware of the existence of the disease in the dwelling-house, and could not reasonably have been expected to become aware of it, he shall be guilty of an offence and liable to a fine not exceeding ten pounds.

Prohibition of home work in places where there is infectious disease.

110.—(1) If any inmate of a house is suffering from an infectious disease to which this section applies, the district council of the district in which the house is situate may make an order forbidding any work to which this section applies to be given out to any person living or working in that house, or such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory, or any other place from which work is given out, or on the contractor employed by any such occupier.

(2) The order may be made notwithstanding that the person suffering from an infectious disease may have been removed from the house, and the order shall be made either for a specified time or subject to the condition that the house or part thereof liable to be infected shall be disinfected to the satisfaction of the medical officer of health, or that other reasonable precautions shall be adopted.

(3) In any case of urgency the powers conferred on the district council by this section may be exercised by any two or more members of the council acting on the advice of the medical officer of health.

(4) If any occupier or contractor on whom an order under this section has been served contravenes the provisions of the order, he shall be guilty of an offence and liable to a fine not exceeding ten pounds.

(5) The infectious diseases to which this section applies are the infectious diseases required to be notified under the law for the time being in force in relation to the notification of infectious diseases, and the work to which this section applies is the making, cleaning, washing, altering, ornamenting, finishing and repairing of wearing apparel and any work incidental thereto, and such other classes of work as may be specified by order of the Minister of Health or, as respects Scotland, the Secretary of State.

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SIXTH SCHEDULE

Section 183.

TRANSITIONAL PROVISIONS

1. Any reference in any enactment or document, whether express or implied, to any enactment repealed by this Act or by any enactment so repealed or to any provision contained in any such enactment shall be construed as a reference to this Act or, as the case may be, to the corresponding provision of this Act.

2. Any order, regulation, rule, byelaw or appointment made, direction, certificate or notice given, or other thing done under any provision contained in an enactment repealed by this Act or by an enactment so repealed shall continue in force and—

- (a) if it could have been made, given or done under the corresponding provision of this Act, shall have effect as if it had been so made, given or done ;
- (b) if it is an order or regulation made under a power which, under the corresponding provision of this Act, is exercisable by a different class of instrument, shall have effect as if it were an instrument of that class made under that provision.

3.—(1) Until such day as the Minister may by order appoint Part II of this Act shall have effect subject to the following provisions of this paragraph (which secure the continued operation of provisions replaced by so much of the Factories Act, 1959, as had not been brought into force at the commencement of this Act).

(2) In section thirty-three of this Act the following shall be substituted for subsections (2) and (3):—

“(2) Every steam boiler and all its fittings and attachments shall be thoroughly examined by a competent person at least once in every period of fourteen months, and also after any extensive repairs ; and no steam boiler which has previously been used shall be taken into use in any factory for the first time in that factory until it has been examined and reported on in accordance with this subsection and subsections (3) and (4) of this section.

(3) Any examination in accordance with the requirements of the last foregoing subsection shall consist, in the first place, of an examination of the boiler when it is cold and the interior and exterior have been prepared in the prescribed manner, and secondly, except in the case of an economiser or superheater, of an examination when it is under normal steam pressure, and the two parts of the examination may be carried out by

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6TH SCH.

different persons ; the examination under steam pressure shall be made on the first occasion when steam is raised after the examination of the boiler when cold, or as soon as possible thereafter, and the person making the examination shall see that the safety valve is so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure.

(3A) The Minister may by order grant from the requirements of subsection (2) of this section, so far as it relates to periodic examinations and examinations after extensive repairs, such exemptions, 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) For the purposes of the provisions of section thirty-three of this Act relating to reports of examinations, the examination of a boiler when it is cold and its examination when it is under steam pressure shall be treated as separate examinations.

(4) In Part II of this Act the expression "maximum permissible working pressure" means, in the case of a new steam boiler, that specified in the certificate referred to in subsection (5) of section thirty-three of this Act.

4.—(1) Subject to sub-paragraph (2) of this paragraph, a factory which has been furnished with a certificate in pursuance of subsection (1) of section fourteen of the Factory and Workshop Act, 1901, and a factory in respect of which a notice issued in pursuance of subsection (2) of that section has been complied with, or in respect of which an award has been made under subsection (3) of that section and has been complied with, shall be entitled to receive a certificate under section forty of this Act and, pending the receipt of the certificate, no offence shall be deemed to be committed by reason of the use of the factory while no certificate under this section is in force with respect to it.

(2) Sub-paragraph (1) of this paragraph shall only apply to any factory if and so long as the means of escape provided therein are properly maintained, and shall not apply to any factory if, since the certificate was furnished or the notice or award was complied with in pursuance of the said section fourteen, any action has been taken of which notice would, if this Act had been in force and a certificate under section forty had been granted, have been required by section forty-one of this Act to be given to the fire authority.

5. In the case of any factory constructed or converted for use as a factory before the coming into operation of section thirty-four of the Factories Act, 1937, (that is to say the first day of July, nineteen hundred and thirty-eight) which is not a factory to which paragraph 4 of this Schedule applies, no offence shall be deemed to be committed under section forty of this Act by reason of the use of the factory during any period that may elapse before the grant or refusal of a certificate under that section by the fire authority, and if the fire authority refuse to grant a certificate in respect of the factory unless alterations are made, no such

offence shall be deemed to be committed while the alterations are being carried out in accordance with the requirements of the authority.

6TH SCH.

6. Where, before the coming into operation of the First Schedule to the Factories Act, 1959, (that is to say the first day of December, nineteen hundred and sixty) a certificate was issued under section thirty-four of the Factories Act, 1937, with respect to such a factory as is mentioned in paragraph 1 of the Second Schedule to this Act, but—

(a) neither the certificate nor a copy thereof was issued to the owner of the building in which the factory is comprised ; or

(b) neither the certificate nor a copy thereof or of the relevant part thereof was issued to the occupier of the factory ;

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 paragraph 8 of the Second Schedule to this Act.

7. Any order made under Regulation 59 of the Defence (General) Regulations, 1939, which is in force at the commencement of this Act shall continue in force, but may be revoked by order of the Minister ; and any provision made by an order continued in force by this paragraph which could have been made by special regulations under section one hundred and seventeen of this Act shall be deemed, until the order is revoked, to be contained in such regulations.

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

SEVENTH SCHEDULE

Section 183.

ENACTMENTS REPEALED

| Session and Chapter | Short Title | Extent of Repeal |
|-------------------------------|--|------------------|
| 16 & 17 Geo. 5. c. 37. | The Lead Paint (Protection against Poisoning) Act, 1926. | The whole Act. |
| 26 Geo. 5. & 1 Edw. 8. c. 24. | The Employment of Women and Young Persons Act, 1936. | The whole Act. |
| 1 Edw. 8. & 1 Geo. 6. c. 67. | The Factories Act, 1937 ... | The whole Act. |
| 11 & 12 Geo. 6. c. 55. | The Factories Act, 1948 ... | The whole Act. |
| 6 & 7 Eliz. 2. c. 70. | The Slaughterhouses Act, 1958 | Section seven. |
| 7 & 8 Eliz. 2. c. 67. | The Factories Act, 1959 ... | The whole Act. |

Table of Statutes referred to in this Act

| Short title | Session and Chapter |
|--|---------------------------------------|
| Holidays Extension Act, 1875 | 38 & 39 Vict. c. 13. |
| Explosives Act, 1875 | 38 & 39 Vict. c. 17. |
| Boiler Explosions Act, 1882 | 45 & 46 Vict. c. 22. |
| Interpretation Act, 1889 | 52 & 53 Vict. c. 63. |
| Boiler Explosions Act, 1890 | 53 & 54 Vict. c. 35. |
| Merchant Shipping Act, 1894 | 57 & 58 Vict. c. 60. |
| Fatal Accidents Inquiry (Scotland) Act, 1895 | 58 & 59 Vict. c. 36. |
| Public Health (Scotland) Act, 1897 | 60 & 61 Vict. c. 38. |
| Factory and Workshop Act, 1901 | 1 Edw. 7. c. 22. |
| Weights and Measures Act, 1904 | 4 Edw. 7. c. 28. |
| Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act, 1906 | 6 Edw. 7. c. 35. |
| Education Act, 1918 | 8 & 9 Geo. 5. c. 39. |
| Education (Scotland) Act, 1918 | 8 & 9 Geo. 5. c. 48. |
| Employment of Women, Young Persons, and Children Act, 1920 | 10 & 11 Geo. 5. c. 65. |
| Theatrical Employers Registration Act, 1925 | 15 & 16 Geo. 5. c. 50. |
| Petroleum (Consolidation) Act, 1928 | 18 & 19 Geo. 5. c. 32. |
| Rating and Valuation (Apportionment) Act, Act, 1928 | 18 & 19 Geo. 5. c. 44. |
| London Building Act, 1930 | 20 & 21 Geo. 5. c. clviii. |
| Local Government Act, 1933 | 23 & 24 Geo. 5. c. 51. |
| London Building Act (Amendment) Act, 1935 | 25 & 26 Geo. 5. c. xcii. |
| 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. |
| Public Health (London) Act, 1936 | 26 Geo. 5 & 1 Edw. 8. c. 50. |
| Factories Act, 1937 | 1 Edw. 8 & 1 Geo. 6. c. 67. |
| London Building Acts (Amendment) Act, 1939 | 2 & 3 Geo. 6. c. xcvi. |
| Education Act, 1944 | 7 & 8 Geo. 6. c. 31. |
| Education (Scotland) Act, 1946 | 9 & 10 Geo. 6. c. 72. |
| Fire Services Act, 1947 | 10 & 11 Geo. 6. c. 41. |
| Local Government (Scotland) Act, 1947 ... | 10 & 11 Geo. 6. c. 43. |
| Agriculture Act, 1947 | 10 & 11 Geo. 6. c. 48. |
| Companies Act, 1948 | 11 & 12 Geo. 6. c. 38. |
| Agriculture (Scotland) Act, 1948 | 11 & 12 Geo. 6. c. 45. |
| Justices of the Peace Act, 1949 | 12, 13 & 14 Geo. 6. c. 101. |
| Arbitration Act, 1950 | 14 Geo. 6. c. 27. |
| Shops Act, 1950 | 14 Geo. 6. c. 28. |
| 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. |
| Summary Jurisdiction (Scotland) Act, 1954 | 2 & 3 Eliz. 2. c. 48. |
| Mines and Quarries Act, 1954 | 2 & 3 Eliz. 2. c. 70. |
| Building (Scotland) Act, 1959 | 7 & 8 Eliz. 2. c. 24. |
| Factories Act, 1959 | 7 & 8 Eliz. 2. c. 67. |

CHAPTER 35

An Act to provide for the consolidation, with or without changes authorised by the Police Pensions Act, 1948, of regulations under section one of that Act; and to make further provision for the application of the regulations in relation to special constables.

[22nd June, 1961]

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 any other power to revoke regulations made under section one of the Police Pensions Act, 1948 (in this Act referred to as “the principal Act”), the power to make regulations under that section shall include, and be deemed always to have included, power to revoke regulations previously made under that section; but regulations under the said section one which revoke previous regulations under that section, either wholly or as respects cases or matters of any description, shall contain provisions having the same effect as the provisions they revoke, except for any change (whether by way of alteration or omission) made in accordance with the principal Act.

Consolidation
of police
pensions
regulations,
etc.
11 & 12 Geo 6.
c. 24.

(2) Where any persons are receiving, or subject to any necessary claim being made and allowed are entitled to receive, benefits conferred by regulations under the said section one as applied to special constables or their dependants by an instrument made under the Special Constables Act, 1914, or section eleven of the Police (Scotland) Act, 1956, then any such instrument which revokes or otherwise changes the regulations so as to affect those benefits shall apply provisions of regulations under the said section one to those persons, either with or without modifications, so as to secure to them benefits not less advantageous than the benefits aforesaid.

4 & 5 Geo. 5.
c. 61.
4 & 5 Eliz. 2.
c. 26.

(3) Subsection (2) of section two of the principal Act (which provides for regulations not to be invalid by reason only of their failure to secure the results specified in subsection (1) of that section but requires their amendment to secure those results) shall have effect as if the reference to the said subsection (1) included a reference to the foregoing subsections and as if the references to regulations or amending regulations under section one of the principal Act included references to an instrument or amending instrument under the said Act of 1914 or the said section eleven.

(4) Subsection (2) of section eight of the principal Act (which provides that references to Acts and regulations in that Act are references to Acts and regulations as amended) shall have effect for the purposes of this section as if the first reference to that Act were a reference to this Act.

Citation
and extent.

2.—(1) This Act may be cited as the Police Pensions Act, 1961, and this Act and the principal Act may be cited together as the Police Pensions Acts, 1948 and 1961.

(2) Except for the purposes of the proviso to subsection (3) of section nine of the principal Act (which relates to payments to persons or funds in Northern Ireland), this Act shall not extend to Northern Ireland.

CHAPTER 36

Finance Act, 1961

ARRANGEMENT OF SECTIONS

PART I

CUSTOMS AND EXCISE

Section

1. Television advertisement duty.
2. Rebate on heavy oils.
3. Relief from duty on heavy oils used by horticultural producers.
4. Amendment of definition of pool betting.
5. Pool betting duty: provisions as to Isle of Man.
6. Increase of rates of vehicles excise duty.
7. Time limit for recovering under-payments and over-payments of vehicles excise duty.
8. Agricultural tractors: amendments as to carriage of produce, etc., at agricultural rate of duty.
9. Surcharges or rebates of amounts due for revenue duties.
10. Temporary continuation of Commonwealth preference for goods from Southern Cameroons.
11. Police prosecutions for offences relating to transferred duties.

PART II

INCOME TAX

12. Charge of income tax for 1961–62.
13. Surtax rates for 1960–61.
14. Surtax: reliefs for earned income.
15. Dependent relatives.
16. Income tax relief for National Insurance contributions.
17. Double taxation relief agreements: exemptions from foreign taxation to promote development.
18. Double taxation relief: provisions as to commencement of trade or source of income.
19. Relief allowable in respect of foreign local taxes.
20. Extension of s. 448 of Act of 1952.
21. Exemption from tax of certain income of pension, etc., funds for overseas employees.
22. Exemption from tax of compensation for National-Socialist persecution.
23. Capital allowances for cars costing over two thousand pounds.
24. Limit on renewals allowance for cars.

Section

25. Limit on deductions, etc., for hiring cars.
26. Cars: provisions as to hire-purchase, etc.
27. Supplementary provisions relating to four foregoing sections.
28. Provisions as to assessment under Schedule E.
29. Returns by industrial and provident societies of recipients of loan and share interest.

PART III

GENERAL AND SUPPLEMENTARY

30. Surcharges on employers.
31. Increase of rate of profits tax.
32. Excess profits tax, excess profits levy and special contribution: terminal date for making assessments.
33. Stamp duty on bills of exchange and promissory notes.
34. Stamp duty on transfers of stock in the course of transactions involving the borrowing of stock by dealers.
35. National savings stamps and gift tokens.
36. Redemption of Ottoman Guaranteed Loan of 1855.
37. Short title, interpretation, construction, extent and repeal.

SCHEDULES:

First Schedule—Supplementary provisions as to television advertisement duty.

Second Schedule—New rates of Vehicle Excise Duty.

Third Schedule—Supplementary provisions as to orders under ss. 9 and 30.

Fourth Schedule—Provisions as to special cases falling within s. 9.

Fifth Schedule—Supplementary provisions as to surcharges on employers.

Sixth Schedule—Repeals.

An Act to grant certain duties, to alter other duties, and to amend the law relating to the National Debt and the Public Revenue, and to make further provision in connection with Finance. [19th July, 1961]

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)** On advertisements inserted for payment in television programmes broadcast from stations in Great Britain after the end of April, nineteen hundred and sixty-one, there shall be Television advertisement duty.

PART I

charged a duty of excise, to be known as "the television advertisement duty".

(2) The television advertisement duty payable in respect of any insertion of an advertisement in such a programme shall be an amount equal to one tenth of the payment made or to be made for the insertion to the person providing the programme, and shall be charged on and paid by him, but (subject to any agreement to the contrary) the amount borne by him in respect of the duty with any adjustment under section nine of this Act shall be recoverable by him from any person liable to him for the payment so made or to be made.

(3) In the case of an advertisement inserted in a television programme under arrangements made between the person providing the programme and a person acting as advertising agent, the reference in the foregoing subsection to the payment made or to be made for the insertion to the person providing the programme shall be taken to include any amount allowed by him by way of commission or discount by reason of the arrangements being so made; and any amount recoverable under the foregoing subsection by the person providing the programme from the other shall (subject to any agreement to the contrary) be recoverable by the other from any person liable to him in respect of that payment.

(4) The First Schedule to this Act shall have effect in relation to the television advertisement duty.

(5) For the purposes of this section "payment" includes any valuable consideration.

Rebate on heavy oils.

2.—(1) For heavy oils delivered for home use after the relevant time, the rate at which rebate of customs or excise duty is allowed under section one hundred and ninety-nine of the Act of 1952 shall be reduced by twopence a gallon, and accordingly the rates shall be—

- (a) in the case of fuel oils, gas oils and kerosene charged with the customs duty, and in the case of all oils charged with the excise duty, a rate twopence a gallon less than the rate at which the duty in question is for the time being chargeable; and
- (b) in any other case, a rate threepence a gallon less than the rate at which the customs duty is for the time being chargeable.

(2) On heavy oils on which before the relevant time rebate has been allowed and not been repaid, there shall be repaid twopence a gallon of the rebate allowed, if at or after the relevant time the oils are stored on a site where there is for hydrocarbon oils storage, whether in one ownership or occupation or not, of an aggregate capacity of two hundred thousand gallons or over (or of an aggregate capacity not shown to the satisfaction of the Commissioners, if they so require, to be less than two hundred thousand gallons); and if any person liable to make

a repayment under this subsection fails to do so, he shall be liable to a penalty of two hundred pounds or three times the amount unpaid, whichever is the greater.

(3) Subject to subsection (4) of this section rebate shall be repayable on any oils under the foregoing subsection on their first removal after the relevant time from storage on such a site as aforesaid, and shall be repaid by the person in whose possession they are immediately before the removal, and may be recovered from him as a debt due to the Crown, but the amount paid shall be recoverable by him (where he is not the owner) from the person to whose order he held them immediately before the removal:

Provided that where the removal is to bonded storage, or where before the removal (but not before the relevant time) the oils are in bonded storage, rebate shall be repayable and recoverable as if the repayment were a payment of the duty on oils removed to that bonded storage without payment of duty.

(4) Where the event on which a repayment of rebate would otherwise fall to be made by virtue of the foregoing subsection has happened before the passing of this Act, the rebate shall be repayable on the passing of this Act, but the amount paid shall for the purposes of drawback be deemed to have been paid on the happening of that event.

(5) Any person who is or has since the relevant time been in occupation of any storage for hydrocarbon oils on such a site as is referred to in subsection (2) of this section (not being bonded storage) shall—

- (a) notify the Commissioners of that fact, and give them such information, and make such returns, about the storage and about any other matters relevant for the purposes of that subsection as they may from time to time require ;
- (b) keep such books, records and accounts as the Commissioners may direct in relation to the storage and to any such matters as aforesaid, and (except in so far as the Commissioners dispense with this requirement) preserve for six months or any longer period required by the Commissioners all books, records, accounts or documents relating thereto ;
- (c) permit any officer to inspect the storage and the oils therein, and the premises in which it is situated, and to inspect and take copies of or extracts from any books, records, accounts or other documents in his possession or power which relate or appear to relate to the storage, or to any oils that are or have been therein, or to any other matters relevant for the purposes of subsection (2) of this section ;

PART I

- (d) if so required by the Commissioners or by any officer, produce any such books, records, accounts or documents at a specified time and place for inspection under the foregoing paragraph.

A person who fails to comply with a requirement imposed on him by or under this subsection shall be liable to a penalty of two hundred pounds.

(6) Any reduction or repayment of rebate under this section shall be treated as an increase of duty for the purposes of section ten of the Finance Act, 1901 (which provides for adjustments between buyer and seller under contracts affected by increases or decreases in customs or excise duties).

(7) For the purposes of subsections (2) to (6) of this section, sites in common ownership or occupation (companies of which one controls the other, or which are under common control, being for this purpose regarded as one person) shall be treated as together constituting a single site, if hydrocarbon oils can be delivered from one site to the other by pipe or if the sites are managed as a single unit.

(8) Subsection (2) of this section shall not apply to any oils if the Commissioners are satisfied by such evidence as they see fit to require that the following conditions are fulfilled, that is to say—

- (a) that at the time of the removal of the oils from the site referred to in that subsection, the site was in the sole occupation of a person using it wholly or mainly for the storage of hydrocarbon oils for himself as a user of such oils (companies of which one controls the other, or which are under common control, being regarded as one person for the purposes of this and the two following paragraphs, if they together occupied the site); and
- (b) that the oils in question have been or are to be applied by him to his own purposes as such a user; and
- (c) that not more than one-quarter of the heavy oils delivered to him in the twelve months preceding the relevant time has been or will be applied otherwise than as aforesaid:

Provided that where the oils in question have not been applied as aforesaid before the time when the repayment of rebate would fall to be made, rebate shall be repayable in respect of them unless the person liable for the repayment undertakes, if so required by the Commissioners, to satisfy the Commissioners of their being so applied or, in default, to pay the amount for which he would have been liable in respect of those oils apart from this subsection, and gives such security in that behalf as the Commissioners require.

(9) In this section "the relevant time" means six o'clock in the evening of the seventeenth day of April, nineteen hundred and sixty-one.

3.—(1) If, on an application made for the purposes of this section by a horticultural producer in such manner as the Commissioners of Customs and Excise may direct, it is shown to the satisfaction of the Commissioners that within the period for which the application is made any quantity of heavy oils has been used by the applicant as mentioned in the following subsection, then subject to the provisions of this Act the applicant shall be entitled to obtain from the Commissioners repayment of the amount of any duty which has been paid in respect of the quantity so used (including any sum paid under subsection (2) of the foregoing section), unless that amount is less than fifty shillings.

Relief from duty on heavy oils used by horticultural producers.

(2) A horticultural producer shall be entitled to repayment under the foregoing subsection in respect of oil used by him—

- (a) in the heating, for the growth of horticultural produce primarily with a view to the production of horticultural produce for sale, of any building or structure, or of the earth or other growing medium in it; or
- (b) in the sterilisation of the earth or other growing medium to be used for the growth of horticultural produce as aforesaid in any building or structure.

(3) Where any quantity of oil is used partly for any such purpose as aforesaid and partly for another purpose, such part of that quantity shall be treated as used for each purpose as may be determined by the Commissioners.

(4) An application under this section shall be made for a period of six months ending with June or December and within the three months following that period, unless the Commissioners otherwise allow:

Provided that for the year nineteen hundred and sixty-one applications may be made for the period beginning with the seventeenth day of April and ending with December.

(5) The Commissioners may require an applicant for a repayment under this section to state such facts concerning the hydrocarbon oils delivered to or used by him or concerning the production of horticultural produce by him as they may think necessary to deal with the application, and to furnish them in such form as they may require with proof of any statements so made, and may require him to permit an officer to inspect any premises or plant used by him for the production of horticultural produce or in or for which any such oil was used; and if such proof is not furnished to their satisfaction, or if the required

PART I facts are not stated, or if he fails to permit any such inspection, the facts shall be deemed for the purposes of this section to be such as the Commissioners may determine.

(6) In this section—

“horticultural produce” has the meaning assigned to that expression by subsection (1) of section eight of the Horticulture Act, 1960; and

“horticultural producer” means a person growing horticultural produce primarily for sale.

**Amendment
of definition
of pool
betting.**

4.—(1) For the purposes of the pool betting duty, the making of payments for the chance of winning any money or money's worth shall be treated as bets if the payments are made on terms under which the payors have a power of selection which may (directly or indirectly) determine the winner, notwithstanding that the power is not exercised.

(2) This section shall have effect as respects payments, whenever made, where the winner is determined by reference to any event occurring after the twenty-eighth day of April, nineteen hundred and sixty-one.

(3) This section has effect subject to the exclusions of certain lotteries contained in subsection (6) of section six of the Finance (No. 2) Act, 1947, and subsection (2) of section five of the Small Lotteries and Gaming Act, 1956.

**Pool betting
duty:
provisions as
to Isle of Man.**

5.—(1) Section five of the Finance Act, 1952 (provisions for protection of pool betting duty) shall not apply to bets made by way of pool betting (other than bets made by means of a totalisator) where the promoter of the betting is in the Isle of Man and the bets are such as to be chargeable with a duty imposed by or under any Act of Tynwald and corresponding (both as to rate of duty and otherwise) with the pool betting duty.

(2) In the foregoing subsection the expressions “bets made by way of pool betting”, “promoter” and “totalisator” have the same meanings as in section six of the Finance (No. 2) Act, 1947.

(3) Section two of the Isle of Man Act, 1958 (Isle of Man share of certain duties) shall apply in relation to pool betting duty and to any such corresponding duty as aforesaid which is collected by the Commissioners as if those duties were included among the duties mentioned in subsection (4) of that section, but as if in relation to the duties to which that section is applied by this section the reference in paragraph (a) of subsection (2) of that section to goods consumed or used in the Isle of Man were a reference to bets made by persons in the Island.

6.—(1) The rates of duty set out in Parts I to V of the Second Schedule to this Act shall be substituted, for licences (other than trade licences) in respect of vehicles of the descriptions specified in the said Parts I to V, for the rates of duty for such licences respectively prescribed by Part I of the First Schedule to the Vehicles (Excise) Act, 1949, the Second Schedule to that Act and section eleven of the Finance Act, 1959, the Third Schedule to the said Act of 1949, the Fourth Schedule to that Act, and the Fifth Schedule thereto. **PART I**
Increase of
rates of
vehicles
excise duty.

(2) In section ten of the said Act of 1949 (trade licences)—

- (a) in subsection (3) (general trade licences) for the words “twenty-five pounds” there shall be substituted the words “thirty pounds” and for the words “five pounds” there shall be substituted the words “six pounds”;
- (b) in subsection (4) (limited trade licences) for the words “five pounds” there shall be substituted the words “six pounds” and for the words “one pound” there shall be substituted the words “one pound five shillings”.

(3) This section applies to licences taken out after the seven-teenth day of April, nineteen hundred and sixty-one.

(4) This section and the Second Schedule to this Act shall be construed as one with the Vehicles (Excise) Act, 1949.

7. In paragraph (b) of subsection (1) of section fourteen of the Vehicles (Excise) Act, 1949, and in subsection (2) of that section (time limit for proceedings for recovering duty not paid or duty overpaid), for the words from “year next following” to “taken out” there shall be substituted the words “twelve months beginning with the end of the period in respect of which the licence was taken out”. Time limit for
recovering
under-
payments and
over-payments
of vehicles
excise duty.

8.—(1) For the purposes of section thirteen of the Finance Act, 1959 (which relieves agricultural tractors and other engines from being charged to duty as goods vehicles when carrying agricultural loads on appliances of certain types fitted to the vehicle, but does not apply to three-wheeled vehicles) a vehicle having two wheels at the front shall, if the distance between them (measured between the centres of their respective areas of contact with the road) is less than eighteen inches, be treated as a three-wheeled vehicle. Agricultural
tractors:
amendment as
to carriage of
produce, etc.,
at agricultural
rate of duty.

(2) This section shall not apply to the use of vehicles before the first day of October, nineteen hundred and sixty-one.

PART I
Surcharges
or rebates
of amounts
due for
revenue
duties.

9.—(1) If it appears to the Treasury that it is expedient, with a view to regulating the balance between demand and resources in the United Kingdom, that the following subsection should have effect, the Treasury may by order direct that it shall have effect as respects the period during which the order is in force :

Provided that an order under this subsection shall not be made or continue in force after the thirty-first day of August, nineteen hundred and sixty-two or such later date as Parliament may hereafter determine.

(2) Where during a period as respects which this subsection has effect—

- (a) any duty to which this section applies becomes due, or**
- (b) a right arises to a drawback, rebate or allowance,**

the liability to duty or right to drawback, rebate or allowance shall be adjusted by the addition or deduction, as may be prescribed, of such percentage, not exceeding ten per cent., as may be prescribed of the amount payable or allowable ; but in the case of a drawback, rebate or allowance that amount shall be calculated as if any adjustment under this subsection of liability to the duty by reference to which it is calculated had not been made.

(3) This section applies to—

- (a) every duty of customs chargeable under any enactment other than the Import Duties Act, 1958, and the Customs Duties (Dumping and Subsidies) Act, 1957 ;**
- (b) every duty of excise, including bookmakers' licence duty under section fifteen of the Finance Act, 1948, but excluding any other excise duty payable on a licence ; and**
- (c) purchase tax.**

(4) In this section—

- (a) " duty " includes tax,**
- (b) " prescribed " means prescribed by an order under this section,**
- (c) references to a drawback or rebate are references to a drawback or rebate of duty to which this section applies (whenever the duty became due), and references to an allowance are references to an allowance in respect of goods which have become chargeable with any such duty (whenever the duty became due).**

(5) Any repayment of duty to which this section applies or of drawback or allowance shall be calculated by reference to the amount actually paid or allowed (after effect was given to any adjustment falling to be made under this section), but save as

aforesaid subsection (2) of this section does not require the adjustment of any such repayment.

(6) The provisions of the Third Schedule to this Act shall have effect with respect to orders under this section, and the provisions of the Fourth Schedule to this Act shall have effect, for the purposes of this section, in relation to the special cases therein mentioned; and the foregoing subsections shall have effect subject to those provisions.

(7) The enactments relating to the collection or recovery or otherwise to the management of any duty to which this section applies shall apply to the amount of any adjustment under the foregoing provisions of this section as if it were duty, drawback, rebate or allowance, as the case may be.

(8) For the purposes of subsections (1) and (2) of section ten of the Finance Act, 1901 (adjustment of contract prices and variation of duties) and those subsections as applied to purchase tax by section twenty-four of the Finance Act, 1948, the beginning or ending of a period as respects which subsection (2) of this section has effect, or the variation of a percentage prescribed for the purposes of this section, shall be treated as an increase or decrease (as the case may require) of any duty to which this section applies; and references in subsections (1) and (2) of the said section ten to an amount paid on account of an increase of duty, to having had the benefit of a decrease of duty, and to the amount of the decrease of duty shall be construed accordingly.

(9) Section twenty-two of the Government of Ireland Act, 1920 (reserved taxes) shall apply to the imposing, charging, levying, collection or allowance of any such addition or deduction as is provided for by this section as the said section twenty-two applies to the duties and taxes therein mentioned; but it is hereby declared that this section does not apply to any duty of excise with respect to which the Parliament of Northern Ireland has power to make laws.

(10) For the purposes of section two of the Isle of Man Act, 1958 (Isle of Man share of equal duties) the amount of equal duties collected in the Isle of Man and the United Kingdom, or in the Isle of Man, shall be calculated by reference to the amount so collected in respect of such duties after giving effect to any addition or deduction provided for under this section or any corresponding provisions of the law of the Isle of Man.

10.—(1) On the Southern Cameroons ceasing to be administered by Her Majesty's Government under the trusteeship system of the United Nations, section two of the Import Duties Act, 1958 (Commonwealth preference) shall have effect as if the Southern Cameroons were a country named in subsection (4) of

Temporary continuation of Commonwealth preference for goods from Southern Cameroons.

PART I that section (independent countries entitled to Commonwealth preference):

Provided that the Southern Cameroons shall not by virtue of this section be treated as continuing to be so named after the end of September, nineteen hundred and sixty-two.

(2) In this section "the Southern Cameroons" means the area comprised at the passing of this Act in the territory then known as the Southern Cameroons.

Police prosecutions for offences relating to transferred duties.

11.—(1) Notwithstanding anything in section two hundred and eighty-one of the Act of 1952, as applied under section three hundred and thirteen of that Act, a local authority in England or Wales may authorise the bringing by any constable of proceedings, or any particular proceedings, for an offence under the excise Acts relating to any duty of excise the levying of which has been transferred to the authority under section six of the Finance Act, 1908 (licences for dealing in game, killing game, and guns) or section fifteen of the Finance Act, 1949 (hawker's, money-lender's, pawnbroker's and refreshment house licences).

(2) A document purporting to be a copy of a resolution authorising the bringing of proceedings in accordance with this section and to be signed by an officer of the local authority shall be evidence, until the contrary is shown, that the bringing of the proceedings was duly authorised.

PART II

INCOME TAX

Charge of income tax for 1961-62.

12. Income tax for the year 1961-62 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 1960-61 exceeded the standard rate for that year.

Surtax rates for 1960-61.

13. Income tax for the year 1960-61 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 1959-60.

Surtax: reliefs for earned income.

14.—(1) For the purpose of charging surtax for the year 1961-62 or any subsequent year of assessment,—

(a) there shall be deducted from the total income of an individual the amount tax on which at the standard rate for that year is equal to the deduction which he is entitled to be allowed for that year under subsection

(1) of section two hundred and eleven of the Act of 1952 (earned income relief) ;

- (b) where a deduction falls to be made under the foregoing paragraph and the earned income of the individual in question, reduced by the amount of that deduction, exceeds two thousand pounds, there shall be deducted from his total income whichever is the less of the following amounts, that is to say the amount of the excess and two thousand pounds.

(2) The proviso to subsection (1) of section fourteen of the Finance Act, 1957 (application to surtax of proportionate reduction for personal reliefs for non-residents) shall apply to the deductions provided for by the foregoing subsection as it applies to the deductions from total income provided for by the said section fourteen.

(3) Where for any year of assessment a husband and wife are separately assessed to tax by virtue of an application under section three hundred and fifty-five or three hundred and fifty-six of the Act of 1952:—

- (a) whether or not they are separately assessed to surtax, the relief resulting from subsection (1) of this section shall be the same as if there were no separate assessment ;
- (b) if they are separately assessed to surtax, the relief resulting from that subsection shall be allocated between them by apportioning the aggregate deduction from total income in proportion to their respective earned incomes ;
- (c) in so far as any deduction falling to be made by virtue of the said subsection (1) from the income of a husband or wife who are separately assessed to surtax cannot be applied for the benefit of the one for whose benefit it would be applicable under the foregoing paragraph, it shall be applied for the benefit of the other ;

and in sub-paragraph (ii) of paragraph (b) of subsection (2) of section fourteen of the Finance Act, 1957 (general provision for apportioning the deduction for personal reliefs between husband and wife separately assessed to surtax) the reference to the respective incomes of husband and wife shall be construed as a reference to their respective incomes as reduced in accordance with the foregoing provisions of this subsection.

15. The amounts of two hundred and ten pounds and one hundred and thirty-five pounds (relating to the total income of the dependent relative) specified, for the purposes of section two hundred and sixteen of the Act of 1952, in subsection (1) of

PART II section eighteen of the Finance Act, 1960, and subsection (3) of section fourteen of the Finance Act, 1958, respectively shall each be increased by twenty pounds.

Income tax relief for National Insurance contributions.

16.—(1) Section nineteen of the Finance Act, 1960 (relief for National Insurance contributions) shall have effect as if—

(a) each of the amounts specified in the second column of paragraphs 1, 3 and 5 (persons over eighteen) of Part I of the Third Schedule to that Act were increased by three pounds, and

(b) each of the amounts specified in paragraphs 2, 4 and 6 of the said Part I (persons under eighteen) were increased by two pounds,

but nothing in this section affects the amounts of five pounds substituted by paragraph 2 of Part II of that Schedule (married women exempt from ordinary contributions).

(2) This section shall not be deemed to have required any change in the amounts deducted or repaid under section one hundred and fifty-seven (pay as you earn) of the Act of 1952 before the sixth day of July, nineteen hundred and sixty-one.

Double taxation relief agreements: exemptions from foreign taxation to promote development.

17.—(1) For the purposes of section three hundred and forty-seven of and the Sixteenth Schedule to the Act of 1952 (relief by agreement from double taxation), and of the definition of “double taxation relief” in section three hundred and fifty of that Act, any amount of foreign tax which would have been payable but for a relief to which this section applies given under the foreign law, being a relief with respect to which provision is made in the arrangements in question for double taxation relief, shall be treated as having been payable; and references in the said sections and Schedule to double taxation, to tax payable or chargeable, or to tax not chargeable directly or by deduction shall be construed accordingly:

Provided that this section shall not operate so as to increase, under paragraph 7 or 8 of the said Sixteenth Schedule, any amount of income or of income received in the United Kingdom.

(2) This section applies to any relief given with a view to promoting industrial, commercial, scientific, educational or other development in a territory outside the United Kingdom.

(3) In this section “foreign tax” means tax under the law of a territory outside the United Kingdom, and “the foreign law” means law of that territory.

(4) For the purposes of any arrangements to which effect is given under the said section three hundred and forty-seven which apply to any period before the passing of this Act, this section shall have effect as respects that period.

18.—(1) Subject to the provisions of this section, credit for foreign tax paid in respect of any income arising in the years of commencement shall be allowed, in pursuance of Part XIII of the Act of 1952, against United Kingdom income tax chargeable for any year of assessment in respect of that income if it would have been so allowed but for the fact that credit for that foreign tax had been allowed against the United Kingdom income tax chargeable in respect of that income for a previous year of assessment.

PART II
Double taxation relief:
 provisions as to commencement of trade or source of income.

(2) The amount of credit to be allowed in respect of any income by virtue of this section for any year of assessment shall not exceed the difference between the total credit allowable against income tax in respect of that income in pursuance of the said Part XIII (whether as originally enacted or as extended by this section) for all years of assessment for which credit is so allowable and the amount of credit which was in fact so allowed in respect of that income for any earlier year or earlier years of assessment.

(3) The total credit allowable as aforesaid in respect of any income for all those years of assessment shall be taken to be the amount of the unapplied balance of the foreign tax charged on that income (that is to say, so much of that tax as was not applied in reducing the profits tax on that income) adjusted, where the number of the United Kingdom periods of assessment exceeds the number of the foreign periods of assessment, in the proportion which the former number bears to the latter, a period for which part only of the income is charged to tax being counted not as one period but as a fraction equal to the proportion which that part of the income bears to the whole of the income.

(4) Where the same income is charged to different foreign taxes for different foreign periods of assessment, the calculations required by the foregoing subsection for the purposes of arriving at and adjusting the unapplied balance of the foreign tax charged on that income shall be made separately in relation to each foreign tax (the amount of any one foreign tax applied in reducing the profits tax being taken to be an amount bearing the same proportion to the total foreign tax so applied as that one foreign tax bears to the total foreign tax) and the unapplied balance of the foreign tax or, as the case may be, that balance as adjusted shall be taken to be the aggregate of the amounts of the respective balances calculated in relation to each foreign tax in accordance with that subsection.

(5) Where credit against income tax for any year of assessment is allowed by virtue of subsection (1) of this section in respect of any income (hereinafter referred to as the original income) and subsequently, by reason of the operation of the enactments relating to cessation, income arising in a non-basis period

PART II from the same source as the original income is not assessed to income tax, then, if the amount of credit allowed against income tax in respect of the original income in pursuance of Part XIII of the Act of 1952 (whether as originally enacted or as extended by this section) for all years of assessment for which credit is so allowable exceeds the aggregate of the following amounts, that is to say—

- (a) the amount of the credit against income tax which would have been allowed apart from the said subsection (1) for all those years in respect of the original income ; and
- (b) the unapplied balance of the foreign tax for which credit would have been allowable against the profits tax and income tax in pursuance of Part XIII of the Act of 1952 in respect of income arising in the non-basis period from the same source as the original income, that is to say, so much of that foreign tax as was not applied in reducing the profits tax,

the person chargeable in respect of income, if any, from the same source in the year of assessment following the non-basis period shall be treated as having received in that year a payment chargeable under Case VI of Schedule D of an amount such that income tax thereon at the standard rate is equal to the excess :

Provided that any payment which any person is treated by virtue of this subsection as having received shall not on that account constitute income of his for any of the purposes of the Income Tax Acts other than this subsection and, in particular, no part thereof shall constitute profits or gains brought into charge to tax for the purposes of section one hundred and sixty-nine of the Act of 1952.

(6) Any claim for relief by way of credit under subsection (1) of this section against income tax for any year of assessment shall be made within six years of the end of that year or, where there is more than one year of assessment in respect of which such relief may be given, within six years of the end of the later of them.

(7) In this section—

- “ foreign tax ” means tax under the law of a territory outside the United Kingdom ;
- “ non-basis period ” means a period the income arising in which is, by reason only of the operation of the enactments relating to cessations, not chargeable to United Kingdom income tax for any year of assessment ;
- “ United Kingdom period of assessment ” and “ foreign period of assessment ”, in relation to any income, mean respectively a year or other period for which under the relevant law the income falls to be charged to the relevant tax ;

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“ years of commencement ”, in relation to income from any source, means the first three years of assessment for which income from that source falls to be assessed to income tax and also, in the case of profits or gains chargeable to tax under Case I or II of Schedule D, the whole of any period falling partly within those years such that the profits or gains arising in the period fall to be assessed to income tax for a year of assessment later than those years ;

references to the enactments relating to cessations are references to section one hundred and thirty of the Act of 1952 (discontinuance of trade, profession or vocation), section eighteen of the Finance Act, 1952 (cessation of income taxable under Case III, IV or V of Schedule D or of a particular source of such income) and section nineteen of the Finance Act, 1953 (change in ownership of trade, profession or vocation) ;

references to income arising in any year include, in relation to income the income tax on which is to be computed by reference to the amount of income received in the United Kingdom, references to income received in that year.

19. For the purposes of section three hundred and forty-eight of and the Seventeenth Schedule to the Act of 1952 (unilateral relief from double taxation) tax under the law of a territory outside the United Kingdom shall not be treated as not corresponding to income tax or the profits tax by reason only that it is payable under the law of a province, state or other part of a country or is levied by or on behalf of a municipality or other local body ; and so much of subsection (4) of that section as makes provision to the contrary shall cease to have effect.

Relief allowable in respect of foreign local taxes.

20.—(1) For the purposes of paragraph (a) of subsection (1) of section four hundred and forty-eight of the Act of 1952 (exemption for charities from tax under Schedule A) any premises an interest in which belongs to a charity or any ecclesiastical corporation and in which (in right of that interest)—

Extension of s. 448 of Act of 1952.

(a) the persons from time to time holding any full-time office as clergyman or minister of any religious denomination, or

(b) any particular person holding such an office,

have or has a residence from which to perform the duties of the office, or in which (in right of the said interest) accommodation is being held available to provide such a residence for such a person, shall be treated as owned and occupied by a charity, whether apart from this section they would be so treated for those purposes or not ; but—

(i) for the purposes of sections one hundred and seventy-five and one hundred and seventy-six of the Act of

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1952 (excess rents) premises exempted from assessment for the purposes of Schedule A by virtue of this subsection shall be treated as if actually assessed for those purposes as a unit of assessment, but at a nil amount ; and

- (ii) in the case of premises exempted as aforesaid, the relief which may be claimed by virtue of subsection (3) of the said section one hundred and seventy-five shall be in respect only of so much of the cost of maintenance, repairs, insurance and management as is properly attributable to the part of the premises comprised in the lease to which that section applies.

(2) Where a clergyman or minister of any religious denomination has such a residence as aforesaid in any premises, and has it in right of such an interest as aforesaid, then, for the purposes of tax with which he may be chargeable under Schedule E, there shall be disregarded—

- (a) the making good to him, in consequence of his being the holder of his office, of statutory amounts payable in connection with the premises or statutory deductions falling to be made in connection therewith, except in so far as an amount or deduction is properly attributable to a part of the premises in respect of which he receives rent ;
- (b) the payment on his behalf, except as aforesaid, of such a statutory amount ;
- (c) the value to him of any expenses incurred in connection with the provision in the premises of living accommodation for him, being expenses incurred in consequence of his being the holder of his office.

(3) In respect of expenses borne by a clergyman or minister of any religious denomination in the maintenance, repairs, insurance or management of any premises in which, in right of such an interest as is mentioned in subsection (1) of this section, he has such a residence as is therein mentioned, such deduction (if any) from profits, fees or emoluments of his profession or vocation shall be allowed in assessing the tax chargeable upon him under any Schedule as, together with any deduction allowable in respect of such expenses under paragraph (a) of subsection (1) of section four hundred and seventy-nine of the Act of 1952, is equal to one-quarter of the amount of the expenses.

(4) In this section “statutory amount” and “statutory deduction” mean an amount paid and a deduction made in pursuance of any provision contained in or having the force of an Act.

21.—(1) In respect of dividends and other income derived from investments, deposits or other property of a superannuation fund to which this section applies such relief from income tax shall be given as is necessary to secure that they are exempt to the like extent (if any) as if they were income of a person not domiciled, ordinarily resident or resident in the United Kingdom.

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Exemption from tax of certain income of pension, etc., funds for overseas employees.

(2) This section applies to any superannuation fund which—

- (a) is bona fide established under irrevocable trusts in connection with some trade or undertaking carried on wholly or partly outside the United Kingdom ;
- (b) has for its sole purpose the provision of superannuation benefits in respect of persons' employment in the trade or undertaking wholly outside the United Kingdom ; and
- (c) is recognised by the employer and employed persons in the trade or undertaking ;

and for the purposes of this subsection duties performed in the United Kingdom the performance of which is merely incidental to the performance of other duties outside the United Kingdom shall be treated as performed outside the United Kingdom.

(3) Relief under subsection (1) of this section shall be given by the Commissioners of Inland Revenue by way of repayment on a claim being made to them for the purpose, and subsections (3) and (4) (appeals) of section one hundred and ninety of the Act of 1952 (exemption for dividends of non-residents) shall apply for the purposes of subsection (1) of this section, but with the substitution for the reference to a question as to residence of a reference to the question whether a fund is one to which this section applies.

(4) Where an annuity is paid from a superannuation fund to which this section applies to a person who is not resident in the United Kingdom, income tax shall not be deducted from any payment of the annuity or accounted for under section one hundred and seventy of the Act of 1952 by the trustees or other persons having the control of the fund.

22.—(1) Annuities payable under the law of the Federal German Republic relating to the compensation of victims of National-Socialist persecution, being annuities which under any such law relating to the taxation of such compensation are specifically exempted from tax of a character similar to that of income tax, shall not be regarded as income for any income-tax purposes.

Exemption from tax of compensation for National-Socialist persecution.

(2) This section shall be deemed always to have had effect, and any necessary repayment of tax shall be made if a claim in that behalf is made to the surveyor, in such form as the Commissioners of Inland Revenue may direct, not later than the end of the year 1966-67.

PART II

(3) The following provisions shall have effect as respects claims for repayment under the foregoing subsection:—

- (a) a person's executors or administrators may make any claim which he might have made if he had not died, and after a person's death any repayment due (whoever made the claim) shall be made to his executors or administrators;
- (b) where the surveyor objects to any such claim it shall be heard and determined by the Commissioners concerned in like manner as in the case of an appeal against an assessment under Schedule D, and the provisions of the Act of 1952 relating to the statement of a case for the opinion of the High Court on a point of law shall apply;
- (c) any such claim to which objection is made shall, if the claimant so elects when he makes the claim, be heard and determined by the Special Commissioners, and paragraph (b) of this subsection shall have effect accordingly;
- (d) subject to the foregoing provisions of this section, the provisions of the Sixth Schedule to the Act of 1952 shall apply to any such claim.

(4) Subsection (1) of this section shall apply to annuities payable under the law of any part of the Federal German Republic as it applies to annuities payable under the law of that Republic.

Capital allowances for cars costing over two thousand pounds.

23.—(1) In relation to capital expenditure incurred on the provision of a vehicle to which this section applies, Chapter II of Part X of the Act of 1952 (capital allowances for machinery and plant) and the other provisions of the Income Tax Acts relating to the said Chapter II shall have effect subject to the modifications set out in the following provisions of this section; and section seventy-two of the Finance Act, 1960 (capital allowances in connection with management expenses claims and maintenance claims) shall have effect accordingly.

(2) The expenditure ranking for initial or annual allowances, or to be taken into account for the purposes of the said Chapter II in computing the amount of expenditure still unallowed at any time, shall be limited to two thousand pounds, and any reference in that Chapter to cost shall be treated as excluding cost above that amount.

(3) Where the expenditure exceeds two thousand pounds, any balancing allowance or balancing charge shall be computed, in a case where there are sale, insurance, salvage or compensation moneys, as if the amount of those moneys (or where in consequence of any provision of the Income Tax Acts other than this

PART II

subsection some other amount is to be treated as the amount of those moneys that other amount) were reduced in the proportion which two thousand pounds bears to the actual amount of the said expenditure.

- (4) If where the expenditure exceeds two thousand pounds,—
- (a) the person providing the vehicle (hereinafter referred to as “the prior owner”) sells the vehicle on a sale to which the Fourteenth Schedule to the Act of 1952 (sales where parties not at arm’s length, etc.) applies, or
 - (b) the prior owner sells the vehicle or gives it away so that paragraph 5 of the Sixth Schedule to the Finance Act, 1952 (allowances and balancing charges for purchaser or donee in certain circumstances), or that paragraph as applied by paragraph 6 of that Schedule, has effect in relation to the purchaser or donee, or
 - (c) in consequence of a succession to the trade, profession or vocation of the prior owner subsection (1) of section three hundred and twenty-eight of the Act of 1952 (certain successions to be treated as sales at open-market price) has effect,

then in relation to the purchaser, donee or successor the price which the vehicle would have fetched if sold in the open market or the expenditure incurred by the prior owner in the provision of the vehicle shall be treated for the purposes of the said Fourteenth or Sixth Schedule or the said section three hundred and twenty-eight as reduced in the proportion which two thousand pounds bears to the actual amount of the said expenditure; and in the application of the foregoing subsection to the purchaser, donee or successor references to the expenditure incurred on the provision of the vehicle shall be construed as references to the expenditure so incurred by the prior owner:

Provided that where this subsection has had effect on any occasion in relation to the vehicle, and no sale or gift of the vehicle has since occurred to which neither of the said Fourteenth and Sixth Schedules applies, then in relation to all persons concerned the like consequences under this subsection shall ensue as respects a sale, gift or succession falling within paragraphs (a) to (c) of this subsection which occurs on any subsequent occasion as if the person who in relation to that sale, gift or succession is the prior owner had incurred expenditure on the provision of the vehicle of an amount equal to the expenditure so incurred by the person who was the prior owner on the first-mentioned occasion.

- (5) In the application of subsection (1) of section two hundred and ninety-six of the Act of 1952 (optional treatment of capital allowances on replacement) to a case where the vehicle is the new plant referred to in that subsection, the expenditure shall be

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PART II disregarded in so far as it exceeds two thousand pounds, but this provision is without prejudice to the application of the foregoing subsections to the vehicle.

(6) Where the expenditure exceeds two thousand pounds, but under subsection (1) of section three hundred and thirty-two of the Act of 1952 (subsidies and contributions) any part of it is to be treated as not having been incurred by a person,—

- (a) the amount which (subject to the foregoing provisions of this section) is to be treated for the purposes of Part X of the Act of 1952 as having been incurred by that person, and
- (b) if subsection (3) of the said section three hundred and thirty-two (capital allowances to contributors) has effect, the amount of the contribution on which allowances are to be made under that subsection,

shall each be reduced in the proportion which two thousand pounds bears to the said capital expenditure incurred on the provision of the vehicle.

Limit on
renewals
allowance
for cars.

24. In determining what amount (if any) is allowable—

- (a) to be deducted in computing profits or gains chargeable to tax under Schedule D, or
- (b) to be deducted from emoluments chargeable to tax under Schedule E, or
- (c) to be taken into account for the purposes of a management expenses claim or a maintenance claim (within the meaning of section seventy-two of the Finance Act, 1960),

in respect of capital expenditure, being expenditure exceeding two thousand pounds, incurred on the provision of a vehicle to which this section applies, the excess over two thousand pounds shall be disregarded for all purposes; but if on the replacement of the vehicle any amount becomes allowable as aforesaid in respect of capital expenditure on any other vehicle, any deduction falling to be made, in determining the last-mentioned amount, for the value or proceeds of sale of the replaced vehicle or otherwise in respect thereof shall be reduced in the proportion which two thousand pounds bears to the cost of the replaced vehicle.

Limit on
deductions,
etc., for
hiring cars.

25. Where apart from this section the amount of any expenditure on the hiring of a vehicle (otherwise than by way of hire-purchase) to which this section applies would be allowed to be deducted or taken into account as mentioned in the foregoing section, and the retail price of the vehicle at the time when it was made exceeded two thousand pounds, the said amount shall be reduced in the proportion which two thousand pounds bears to the said price.

26.—(1) In the case of a vehicle to which this section applies, being a vehicle of which the retail price at the time of the contract in question exceeds two thousand pounds, the following provisions shall have effect. **PART II**
Cars:
provisions
as to hire-
purchase,
etc.

(2) Sub-paragraph (1) of paragraph 1 of the Third Schedule to the Finance Act, 1957 (provision of machinery or plant where the provider ceases to be entitled to the benefit of the contract without becoming the owner of the machinery or plant) shall apply in a case not falling within sub-paragraph (1) (b) or sub-paragraph (2) (b) of that paragraph if it would apply if the case fell within either of those sub-paragraphs; and the said sub-paragraph (1) shall have effect as if at the end there were added "or in determining what amount (if any) is allowable as mentioned in section twenty-four of the Finance Act, 1961".

(3) Where the said sub-paragraph (1) has effect (whether by virtue of the foregoing subsection or otherwise) all payments made under the contract shall be treated for income tax purposes (including in particular the purposes of section twenty-five of this Act) as expenditure incurred on the hiring of the vehicle otherwise than by way of hire-purchase.

(4) Where the person providing the vehicle takes it under a hire-purchase contract, then in apportioning the payments under the contract between capital expenditure incurred on the provision of the vehicle and other expenditure so much of those payments shall be treated as such capital expenditure as is equal to the price which would be chargeable, at the time the contract is entered into, to the person providing the vehicle if he were acquiring it on a sale outright.

27.—(1) Subject to the next following subsection the vehicles to which the four foregoing sections apply are mechanically propelled road vehicles constructed or adapted for the carriage of passengers, other than vehicles of a type not commonly used as a private vehicle and unsuitable to be so used. Supplementary
provisions
relating to
four foregoing
sections.

(2) Sections twenty-three to twenty-five of this Act and subsections (2) and (3) of the foregoing section do not apply where a vehicle is provided, or as the case may be hired, wholly or mainly for the purpose of hire to, or the carriage of, members of the public in the ordinary course of trade.

(3) None of the provisions of sections twenty-three and twenty-four of this Act or of subsections (2) and (3) of the foregoing section shall apply in relation to a vehicle provided by a person who is a manufacturer of such vehicles as are mentioned in subsection (1) of this section, or of parts or accessories for such vehicles, if he shows that it was provided solely for the purpose of testing the vehicle or parts or accessories for such vehicles:

Provided that if during the period of five years beginning with the time when the vehicle was provided he puts it, to any substantial extent, to a use which does not serve that purpose and

PART II

that purpose only, this subsection shall be deemed not to have had effect in relation to the vehicle.

(4) Paragraph 4 of the Third Schedule to the Finance Act, 1957 (additional assessments and adjustments of assessments) shall have effect as if references therein to that Schedule included references to subsections (2) and (3) of the foregoing section and the foregoing subsection.

(5) References in sections twenty-three to twenty-five of this Act to expenditure incurred on the provision or hiring of a vehicle do not include references to expenditure incurred before the seventeenth day of April, nineteen hundred and sixty-one or to expenditure incurred under a contract entered into before that day where either—

(a) the expenditure is incurred within twelve months after that day, or

(b) the contract is one of hire-purchase or for purchase by instalments,

and subsections (2) and (3) of the foregoing section shall not apply where the contract was entered into before that day.

(6) Where a vehicle to which the four foregoing sections apply is replaced by another such vehicle, and section twenty-four of this Act has effect, the capital expenditure on the provision of the replacement vehicle shall be taken for the purposes of Chapter II of Part X of the Act of 1952 to be the amount of the deduction (if any) falling to be made, in determining what amount is allowable as mentioned in the said section twenty-four, by reason of the cost of the replacement vehicle exceeding the cost of the replaced vehicle.

(7) This and the four foregoing sections shall be construed as one with Chapter II of Part X of the Act of 1952, except that in section twenty-four of this Act “capital expenditure” shall be construed without regard to subsection (1) of section three hundred and thirty of that Act.

Provisions as to assessment under Schedule E.

28.—(1) Where an assessment to income tax is made as respects emoluments which—

(a) have been taken into account in the making of deductions or repayments of tax under section one hundred and fifty-seven (pay as you earn) of the Act of 1952, and

(b) were received not less than twelve months before the beginning of the year of assessment in which the assessment is made,

then if the assessment is made after the expiration of the period of twelve months immediately following the year of assessment for which it is made, it shall be made in accordance with the practice generally prevailing at the expiration of that period:

Provided that this subsection shall not prevent the taking into account, for the purposes of any such assessment, of a change

of practice occurring before the sixth day of April, nineteen hundred and sixty-one.

(2) Notwithstanding anything in subsection (1) of section forty-seven of the Act of 1952 (which allows assessments for any year to be made or amended not later than six years after the end of that year, subject to a proviso which allows them to be made or amended at any time where there has been fraud or wilful default) but without prejudice to that proviso, where emoluments to which this subsection applies are received in a year of assessment subsequent to that for which they are assessable, assessments to income tax as respects those emoluments may be made and may, if not final, be amended at any time within six years after the year of assessment in which they were received; but subsection (2) of that section (which limits the time allowed by the said subsection (1), in the case of income of a deceased person before his death, to the end of the third year following the year of assessment in which he died) shall apply in relation to the time allowed by this subsection as it applies in relation to the time allowed by the said subsection (1).

(3) The emoluments to which the foregoing subsection applies are emoluments chargeable to tax under Schedule E, including any sums which by virtue of Chapter II of Part VI of the Act of 1952 (expenses allowances, benefits and facilities for directors and others) fall to be treated as perquisites of a person's office or employment and any payments chargeable to tax by virtue of section thirty-seven of the Finance Act, 1960 (payments on retirement or loss of office or employment), being emoluments, sums or payments received in the year 1955-56 or any subsequent year of assessment other than those taken into account in an assessment to income tax for the year of assessment in which they are received; and for the purposes of that subsection and this subsection—

- (a) any such sums which are not actually paid to that person shall be treated as having been received at the time when the relevant expenses were incurred or are treated for the purposes of the said Chapter II as having been incurred;
- (b) any such payment shall notwithstanding anything in subsection (4) of the said section thirty-seven (notional date of payment) be treated as having been received at the time it was actually received.

(4) It shall not be obligatory to make an assessment under Schedule E in the cases specified in paragraphs (b) and (c) of subsection (2) of section one hundred and fifty-eight of the Act of 1952 (which require such an assessment to be made where the emoluments paid in the year are not the same as the emoluments for the year or where the emoluments assessable are

PART II relevant for surtax purposes), and accordingly those paragraphs shall cease to have effect.

(5) Any reference in this section to an assessment includes a reference to an additional assessment.

Returns by industrial and provident societies of recipients of loan and share interest.

29. Subsection (4) of section four hundred and forty-three of the Act of 1952 (which requires registered industrial and provident societies, on or before the first day of May in each year, to make returns of the names and addresses of persons to whom loan interest (being loan interest to which subsection (1) of the section applies) amounting to five pounds or more has been paid in the previous year of assessment, the society losing its right to relief under the section if the return is not duly made) shall have effect, in relation to the returns required to be made on or before the first day of May in the year nineteen hundred and sixty-two and subsequent years, as if in paragraph (a) for the words "loan interest (being" there were substituted the words "interest (being share interest or" and for the words "five pounds or more" there were substituted the words "more than fifteen pounds", and as if the word "loan" were omitted in each subsequent place where it occurs.

PART III

GENERAL AND SUPPLEMENTARY

Surcharges on employers.

30.—(1) If during the period beginning with the passing of this Act and ending with the thirty-first day of March, nineteen hundred and sixty-two it appears to the Treasury that it is expedient so to do with a view to regulating the balance between demand and resources in the United Kingdom, the Treasury may by order direct that the following subsection shall have effect as respects the period beginning with the coming into operation of the order and ending with the fifth day of August, nineteen hundred and sixty-two or such earlier date as may be prescribed.

(2) In respect of each contribution week beginning during a period as respects which this section has effect, an employer shall be liable, in respect of each person in respect of whom the employer is liable to pay a contribution for that week to pay a surcharge of such amount, not exceeding four shillings, as may be prescribed :

Provided that different rates of surcharge may be prescribed for different descriptions of persons, and if it is so prescribed surcharges shall not be payable in respect of a prescribed description of persons.

(3) Surcharges under this section shall be collected together with the National Insurance and Health Service contributions,

and shall be paid by the Minister of Pensions and National Insurance into the Exchequer at such times as the Treasury may direct.

(4) The expenses of the Minister of Pensions and National Insurance and of any other Government Department incurred for the purposes of this section shall be defrayed out of moneys provided by Parliament :

Provided that—

- (a) so much of the sums payable into the Exchequer under subsection (3) of this section as the Treasury may determine to be equal to the aggregate of the said expenses and any such amounts as are mentioned in paragraphs (a) and (b) of subsection (2) of section thirty-eight of the National Insurance Act, 1946 (liabilities for pensions and other payments, and use of Crown premises), in so far as those amounts are determined by the Treasury to be attributable to the collection and application of surcharges, may be treated as if they were receipts falling within section two of the Public Accounts and Charges Act, 1891, and may be directed to be appropriated in aid accordingly ;
- (b) this subsection shall not apply to expenses incurred by the Postmaster General, but this section shall be included among the enactments specified in subsection (2) of section nineteen of the Post Office Act, 1961 (payments by Minister of Pensions and National Insurance for work done by the Postmaster General in the execution of specified Acts).

(5) The provisions of the Fifth Schedule to this Act shall have effect for the purposes of this section.

(6) This section and the said Fifth Schedule shall apply in the case of persons employed by or under the Crown in like manner as if the employer were a private person.

(7) In this section and the Fifth Schedule to this Act—

- “ contribution ”, except where the context otherwise requires, means a contribution (other than a graduated contribution under the National Insurance Act, 1959) payable under the National Insurance Acts ;
- “ description of persons ” relates to persons of any description relevant for determining the amount or aggregate amount of contributions ;
- “ National Insurance and Health Service contributions ” means the contributions payable under the National Insurance Acts and the National Health Service Contributions Act, 1957 ;
- “ the National Insurance Acts ” means the National Insurance Act, 1946, and any enactment (whether passed

PART III

before or after the passing of this Act) amending that Act, other than an enactment contained in the National Health Service Contributions Act, 1957 ;

“prescribed” means prescribed by an order under this section,

and other expressions used in this section and the said Fifth Schedule have the same meanings as in the National Insurance Act, 1946.

(8) The provisions in that behalf of the Third Schedule to this Act shall have effect with respect to orders under this section.

Increase of rate of profits tax.

31. As from the beginning of April, nineteen hundred and sixty-one, the rate at which the profits tax is to be charged by virtue of subsection (1) of section twenty-five of the Finance Act, 1958, shall be increased from twelve and a half per cent. to fifteen per cent.

Excess profits tax, excess profits levy and special contribution: terminal date for making assessments.

32.—(1) Subject to the provisions of this section, no assessment to excess profits tax, the excess profits levy or the special contribution shall be made after the passing of this Act.

(2) The foregoing subsection shall not apply in so far as the assessment is required for the purpose of making good to the Crown any loss of tax, levy or contribution shown to be attributable to fraud or wilful default committed in connection therewith or in relation to income tax.

(3) Subsection (1) of this section shall not apply to—

(a) any assessment to excess profits tax in so far as it relates to tax leviable by virtue of section thirty-nine of the Finance Act, 1950 (enemy debts, etc., written off during the war) ;

(b) any additional assessment to the excess profits levy falling to be made by virtue of subsection (2) of section twenty-one of the Finance Act, 1953 (unremittable overseas income).

(4) The Fifth Schedule to the Finance (No. 2) Act, 1945 (relief for error or mistake) so far as it relates to excess profits tax and (by virtue of section sixty-three of the Finance Act, 1952) to the excess profits levy shall have effect as if in paragraph 1 (time for application for relief) for the words “before such date as Parliament may hereafter determine” there were substituted the words “not later than six years after the making of the assessment” and in paragraph 4 (time for appealing) for the words “twenty-one days” there were substituted the words “thirty days”.

(5) In the case of an assessment to excess profits tax, the excess profits levy or the special contribution made after the end of the year nineteen hundred and sixty and before the passing of this Act, the period within which an appeal may be made shall not expire earlier than thirty days after the passing

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of this Act, and if on the hearing of such an appeal the appellant elects that this subsection shall have effect the assessment shall be discharged unless it is shown, or to the extent to which it is not shown, that the assessment was required as mentioned in subsection (2) of this section, or relates to such tax as is mentioned in paragraph (a) of subsection (3) thereof, or falls within paragraph (b) of that subsection.

(6) References in this section to an assessment include references to an additional assessment.

33.—(1) In the First Schedule to the Stamp Act, 1891, after the heading “ Bank Note ” there shall be inserted the following—

| | | | | |
|--|-----|-----|-----|--------|
| “ BILL OF EXCHANGE or PROMISSORY | £ | s. | d. | |
| NOTE of any kind whatsoever (except a bank note)—drawn, or expressed to be payable, or actually paid, or endorsed, or in any manner negotiated in the United Kingdom | ... | ... | ... | 0 0 2” |

Stamp duty on bills of exchange and promissory notes.

and the headings beginning “ Bill of Exchange payable on demand ” and “ Bill of Exchange of any other kind ” shall be omitted.

(2) The duty on a bill of exchange or a promissory note under the foregoing subsection may be denoted by an adhesive stamp which, where the bill or note is drawn or made in the United Kingdom, is to be cancelled by the person by whom the bill or note is signed before he delivers it out of his hands, custody or power.

(3) Subsection (2) of section thirty-eight of the said Act (which authorises the person to whom an unstamped bill of exchange payable on demand or at sight or on presentation is presented for payment to stamp the bill) shall apply also to bills of exchange of every other description, and as if for the reference to one penny there were substituted a reference to the amount of the duty under subsection (1) of this section.

(4) In subsection (1) of section thirty-nine of the Finance Act, 1956 (under which a banker may compound for stamp duty under the heading beginning “ Bill of Exchange payable on demand ”), and in any agreement made under that section before the passing of this Act, references to that heading shall be read as if they were references to the heading in subsection (1) of this section.

(5) Duty under subsection (1) of this section may be denoted by unappropriated stamps.

(6) The foregoing provisions of this section shall apply to—

(a) bills and notes drawn or made on or after the first day of August, nineteen hundred and sixty-one, and

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PART III

- (b) bills and notes drawn or made outside the United Kingdom before that date but first becoming chargeable in accordance with section thirty-five of the Stamp Act, 1891 (which relates to foreign bills and notes), on or after that date,

and, so as to enable the Commissioners of Inland Revenue on the said date to terminate the supply of stamps appropriated to denote duty on bills of exchange and promissory notes, ad valorem duty at the rates in force before the passing of this Act on a bill of exchange or promissory note which, by virtue of the said section thirty-five or section forty-two of the Finance Act, 1933 (under which bills may be stamped after the proper time), is stamped on or after the said date may be denoted by unappropriated stamps which, notwithstanding anything in the Stamp Act, 1891, shall be impressed stamps.

(7) Any bill of exchange or promissory note drawn or made before the first day of August, nineteen hundred and sixty-one, and stamped with an impressed stamp of sufficient amount but improper denomination shall be regarded as duly stamped.

(8) This section shall be construed as one with the Stamp Act, 1891.

Stamp duty on transfers of stock in the course of transactions involving the borrowing of stock by dealers.

34.—(1) This section shall have effect where a dealer (in this section referred to as “the borrower”) has in the ordinary course of his business as a dealer contracted to sell stock and, in order to enable him to fulfil the contract, some other person (in this section referred to as “the lender”), being a person who is not a dealer,—

- (a) transfers stock to the borrower or his nominee, or
 (b) procures the transfer of stock from another person who is not a dealer or a dealer’s nominee to the borrower or his nominee,

in consideration of an undertaking by the borrower to the lender subsequently to transfer, or procure the transfer of, stock of the same description and amount to the lender, or to the lender’s order.

In this section the transfer to the borrower or his nominee is referred to as an initial transfer, and any transfer effected or procured by the borrower in discharge of his undertaking is referred to as a final transfer.

(2) The maximum stamp duty chargeable on an initial transfer which is not a transfer on sale shall be ten shillings notwithstanding that it is chargeable under sub-head (2) of the heading “CONVEYANCE or TRANSFER whether on sale or otherwise” in the First Schedule to the Stamp Act, 1891 (which relates to colonial stock).

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(3) The maximum stamp duty chargeable on any final transfer which is a transfer to the person who was the transferor under the initial transfer shall be ten shillings and if any such final transfer is a transfer from the borrower or his nominee it shall for the purposes of subsection (2) of section forty-two of the Finance Act, 1920 (under which a transfer on sale of stock to a dealer may be freed from full ad valorem duty if the dealer transfers the stock to a bona fide purchaser within two months), be regarded as a transfer to a bona fide purchaser whether or not it would be so regarded apart from this subsection.

(4) This section shall have effect as from the beginning of August, nineteen hundred and sixty-one.

(5) In this section the expressions "dealer" and "stock" have the same meanings as in the said section forty-two, and this section shall be construed as one with the Stamp Act, 1891.

35.—(1) In this section "national savings stamp" and "national savings gift token" mean respectively a stamp or token sold by the Postmaster General which may be used in the purchase of national savings certificates or premium savings bonds, or in different ways one of which is the purchase of national savings certificates, premium savings bonds, defence bonds or some other description of government stock as defined in the National Debt Act, 1958. National savings stamps and gift tokens.

(2) Any sums received by the Postmaster General from the sale of national savings stamps or national savings gift tokens shall be paid by him out of the Post Office Fund into the Exchequer; and the Treasury shall issue to the Postmaster General out of the Consolidated Fund sums equal to any sums required to be paid out of the Post Office Fund in respect of the exchange or encashment of national savings stamps or national savings gift tokens.

(3) The foregoing subsection shall not apply in relation to sums paid into or out of the Post Office Fund before the commencement of this Act, but the Postmaster General shall ascertain the amount in that Fund at the commencement of this Act which represents the excess of receipts over payments out in respect of all national savings stamps and national savings gift tokens sold by him at any time before the commencement of this Act and shall pay out of the Post Office Fund into the Exchequer a sum equal to the amount of the excess so ascertained.

(4) The Treasury shall from time to time, as they think fit, issue out of the Consolidated Fund, and apply in the redemption or paying off of any description of debt, sums equal to the money paid into the Exchequer under the foregoing subsections.

PART III

(5) If at any time it appears to the Treasury that, in the case of any national savings stamps or national savings gift tokens, no further sums will become payable out of the Post Office Fund in respect of those stamps or tokens, the Treasury may issue to the National Debt Commissioners out of the Consolidated Fund sums equal to the face value of those stamps or tokens; and the National Debt Commissioners shall deal with those sums as if they were paid to the Commissioners in respect of unclaimed redemption moneys under section five of the Miscellaneous Financial Provisions Act, 1955.

(6) For the purpose of providing sums to be issued out of the Consolidated Fund under the foregoing provisions of this section, or 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.

(7) The Treasury shall from time to time pay to the Postmaster General out of the Consolidated Fund sums, of such amounts as may be agreed between them, for the work done by the Postmaster General in providing, selling, encashing and otherwise dealing with national savings stamps and national savings gift tokens.

Redemption
of Ottoman
Guaranteed
Loan of
1855.

36.—(1) If, on the day appointed by the Treasury for the redemption of the Ottoman Guaranteed Loan of 1855, the total value of the assets in the 1855 Ottoman Guaranteed Loan Investment Account standing in the name of the National Debt Commissioners at the Bank of England is less than the total nominal amount of the said Loan outstanding on that day, there shall be issued out of the Consolidated Fund a sum equal to the deficiency; and the assets of the said Account and the sum so issued shall be applied in the redemption of the said Loan:

Provided that the sum issued out of the Consolidated Fund under this subsection shall not exceed two hundred thousand pounds.

(2) Subsections (2) to (10) of section five of the Miscellaneous Financial Provisions Act, 1955 (which provide for the treatment of unclaimed moneys due on Government stock) shall apply to the said Loan as they apply to Government stock.

(3) The expenses of the Treasury in connection with the redemption of the said Loan shall be paid out of the Consolidated Fund.

(4) The Treasury shall prepare an account of the sums issued out of the Consolidated Fund under subsections (1) and (3) of

PART III

this section and of the sums applied in the redemption of the said Loan and send it to the Comptroller and Auditor General not later than six months after the day appointed by the Treasury for the redemption of the said Loan ; 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) The Turkish Loan Act, 1855 (which authorised Her Majesty to guarantee interest on the said Loan), shall cease to have effect on such date as the Treasury may by order in a statutory instrument appoint, being the day next following the day appointed by the Treasury for the redemption of the Loan ; and if before that date any sums have been issued out of the Consolidated Fund under that Act and have not been included in an account laid before Parliament under that Act, those sums shall be included in the account mentioned in subsection (4) of this section.

37.—(1) This Act shall be cited as the Finance Act, 1961.

Short title,
interpretation,
construction,
extent and
repeal.

(2) “ The Act of 1952 ” in Part I of this Act means the Customs and Excise Act, 1952, and in Part II of this Act means the Income Tax Act, 1952.

(3) Part I of this Act shall be construed as one with the Customs and Excise Act, 1952, and Part II with the Income Tax Acts.

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

(5) 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.

(6) The enactments specified in the Sixth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule, but—

- (a) the repeals in Part II of that Schedule shall not apply to any bill or note which was drawn or made before the beginning of August, nineteen hundred and sixty-one, and which, if drawn or made outside the United Kingdom, first became chargeable in accordance with section thirty-five of the Stamp Act, 1891, before that time, and
- (b) the repeal in Part III of that Schedule shall not have effect until the date appointed by the Treasury under subsection (5) of the foregoing section.

SCHEDULES

FIRST SCHEDULE

SUPPLEMENTARY PROVISIONS AS TO TELEVISION ADVERTISEMENT DUTY

Section 1.

1. For the purposes of this Schedule—

“advertisement” means an advertisement inserted for payment in a television programme broadcast from a station in Great Britain ;

“broadcaster” means a person providing television programmes in which advertisements are inserted, and includes a person who has provided such programmes at any time after the end of April, nineteen hundred and sixty-one ;

“business”, in relation to a broadcaster, means so much of his business as a broadcaster as is concerned with the broadcasting of advertisements ;

“duty” means television advertisement duty.

2.—(1) The duty payable by a broadcaster in respect of the insertion of an advertisement in a programme broadcast in any month shall be due on the making of the broadcast and payable within twenty-five days of the end of the month, and he shall before the end of those twenty-five days make to the proper officer a return showing the amount payable in such form and giving such particulars as the Commissioners of Customs and Excise may require :

Provided that for months ending before the passing of this Act the duty shall be payable and the return made with that for the month in which this Act is passed.

(2) Where for any insertion of an advertisement a broadcaster receives or is entitled to an entire consideration not solely referable to that insertion, the duty payable in respect of the insertion shall be calculated on so much only of the consideration as is referable to that insertion according to an apportionment made in such manner as the Commissioners may direct.

(3) Where a broadcaster fails to make a return required by this paragraph, or makes a return appearing to the Commissioners to be incomplete or inaccurate, the Commissioners may estimate the amount of duty payable, and the amount estimated shall be treated as payable, unless the contrary is proved.

3.—(1) A broadcaster shall—

(a) notify the Commissioners of the address of any premises for the time being used by him for the purposes of his business ;

(b) keep such books, records and accounts in relation to the business as the Commissioners may direct, and (except in so far as the Commissioners dispense with this requirement) preserve for six months or any longer period required by the Commissioners all books, records, accounts or documents relating to the business ;

(c) permit any officer to inspect and take copies of or extracts from any books, records, accounts or other documents in his possession or power which relate or appear to relate to the business.

(2) The Commissioners or any officer may require a broadcaster, or any person employed or having any functions in connection with a broadcaster's business, to give such information relating to the broadcaster's business as the Commissioners or officer may require, and in particular to produce at a specified time and place books, records, accounts or documents relating to the business.

1st Sch.

(3) A broadcaster, when he delivers any note of or bill for sums payable to him for the insertion of advertisements in television programmes, shall state in the note or bill the amounts on which duty is chargeable.

4.—(1) A person who fails to comply with a requirement imposed on him by or under paragraph 2 or 3 of this Schedule shall be liable to a penalty of two hundred pounds.

(2) A person who fails to pay any duty chargeable on him shall be liable to a penalty of two hundred pounds or three times the amount of the duty unpaid, whichever is the greater.

(3) A person who is knowingly concerned in, or in the taking of steps with a view to, the fraudulent evasion of duty by him or another shall be liable to a penalty of five hundred pounds, or to imprisonment for a term not exceeding two years, or to both.

SECOND SCHEDULE

Section 6.

NEW RATES OF VEHICLES EXCISE DUTY

PART I

RATES OF DUTY ON VEHICLES NOT EXCEEDING 8 CWT. IN WEIGHT UNLADEN CHARGEABLE UNDER SECTION 2 OF ACT OF 1949

| Description of vehicle | Rate of Duty | | | | | |
|---|--------------|----|--|----|----|----|
| | Initial | | Additional if used for drawing trailer or side-car | | | |
| | £ | s. | d. | £ | s. | d. |
| 1. Bicycles (other than bicycles which are electrically propelled) of which the cylinder capacity of the engine— | | | | | | |
| (a) does not exceed 150 cubic centimetres ... | 1 | 0 | 0 | 12 | 0 | |
| (b) exceeds 150 cubic centimetres but does not exceed 250 cubic centimetres ... | 2 | 5 | 0 | 12 | 0 | |
| (c) exceeds 250 cubic centimetres ... | 4 | 10 | 0 | 1 | 10 | 0 |
| 2. Bicycles which are electrically propelled ... | 1 | 0 | 0 | 12 | 0 | |
| 3. Tricycles neither constructed nor adapted for use nor used for the carriage of a driver or passenger ... | 2 | 10 | 0 | — | | |
| 4. Other tricycles ... | 6 | 0 | 0 | — | | |
| 5. Vehicles other than mowing machines, being vehicles with more than three wheels neither constructed nor adapted for use nor used for the carriage of a driver or passenger ... | 3 | 15 | 0 | — | | |

2ND SCH.

PART II

**RATES OF DUTY ON HACKNEY CARRIAGES CHARGEABLE UNDER
SECTION 3 OF ACT OF 1949**

| Description of vehicle | Rate of duty |
|--|--|
| | £ s. d. |
| 1. Hackney carriages being tramcars | 15 0 |
| 2. Other hackney carriages | 12 0 0 |
| | with an additional 10s. 0d. for each person above 20 (excluding the driver) for which the vehicle has seating capacity. |

PART III

**RATES OF DUTY ON TRACTORS, ETC., CHARGEABLE UNDER
SECTION 4 OF ACT OF 1949**

| 1. Description of vehicle | Weight unladen of vehicle | | Rate of duty | |
|---|--|--|--|--|
| | 2. Exceeding | 3. Not exceeding | 4. Initial | 5. Additional for each ton or part of a ton in excess of the weight in column 2 |
| | | | £ s. d. | £ s. d. |
| 1. Vehicles mentioned in section 4 (2) (a) of Act of 1949... .. | — | — | 2 10 0 | — |
| 2. Vehicles mentioned in section 4 (2) (b) of Act of 1949... .. | — | — | 2 10 0 | — |
| 3. Vehicles mentioned in section 4 (2) (c) of Act of 1949... .. | — | — | 2 10 0 | — |
| 4. Vehicles mentioned in section 4 (2) (d) of Act of 1949... .. | — | — | 2 10 0 | — |
| 5. Vehicles mentioned in section 4 (2) (f) of Act of 1949, other than showmen's vehicles. | — 2 tons 4 tons 6 tons 7½ tons 8 tons | 2 tons 4 tons 6 tons 7½ tons 8 tons — | 30 0 0 48 0 0 66 0 0 84 0 0 102 0 0 102 0 0 | — — — — — 18 0 0 |
| 6. Vehicles mentioned in section 4 (2) (f) of Act of 1949, being showmen's vehicles. | — 7½ tons 8 tons 10 tons | 7½ tons 8 tons 10 tons — | 30 0 0 36 0 0 42 0 0 42 0 0 | — — — 6 0 0 |

PART IV
RATES OF DUTY ON GOODS VEHICLES CHARGEABLE UNDER
SECTION 5 OF ACT OF 1949

2ND SCH.

PART A
General Rates of Duty

| 1. Description of vehicle | Weight unladen of vehicle | | Rate of Duty | |
|---|---|---|---|--|
| | 2. Exceeding | 3. Not exceeding | 4. Initial | 5. Additional for each $\frac{1}{4}$ ton or part of a $\frac{1}{4}$ ton in excess of the weight in column 2 |
| | | | £ s. d. | £ s. d. |
| 1. Electrically propelled goods vehicles, including tower wagons whether electrically propelled or not but not including farmers' goods vehicles, showmen's goods vehicles or local authorities' watering vehicles. | — 12 cwt. 16 cwt. 1 ton 2 tons 3 tons 6 tons | 12 cwt. 16 cwt. 1 ton 2 tons 3 tons 6 tons — | 12 0 0 15 0 0 18 0 0 18 0 0 24 0 0 36 0 0 54 0 0 | — — — 1 10 0 3 0 0 1 10 0 3 0 0 |
| 2. Goods vehicles which are propelled by steam or are constructed or adapted to use gas as fuel, other than farmers' goods vehicles, showmen's goods vehicles or local authorities' watering vehicles. | — 12 cwt. 16 cwt. 1 ton 3 tons 4 tons 6 tons | 12 cwt. 16 cwt. 1 ton 3 tons 4 tons 6 tons — | 12 0 0 15 0 0 18 0 0 18 0 0 42 0 0 60 0 0 108 0 0 | — — — 3 0 0 4 10 0 6 0 0 4 10 0 |
| 3. Farmers' goods vehicles ... | — 12 cwt. $1\frac{1}{4}$ tons 2 tons $2\frac{1}{4}$ tons $3\frac{1}{4}$ tons | 12 cwt. $1\frac{1}{4}$ tons 2 tons $2\frac{1}{4}$ tons $3\frac{1}{4}$ tons — | 12 0 0 12 0 0 14 5 0 15 15 0 17 5 0 20 5 0 | — 15 0 10 0 15 0 1 0 0 10 0 |
| 4. Showmen's goods vehicles ... | — 12 cwt. 16 cwt. 1 ton $1\frac{1}{4}$ tons | 12 cwt. 16 cwt. 1 ton $1\frac{1}{4}$ tons — | 12 0 0 13 5 0 14 10 0 15 10 0 15 10 0 | — — — — 1 5 0 |
| 5. Local authorities' watering vehicles which are electrically propelled. | — $1\frac{1}{4}$ tons 2 tons 3 tons 5 tons | $1\frac{1}{4}$ tons 2 tons 3 tons 5 tons — | 7 0 0 7 0 0 16 0 0 19 0 0 29 0 0 | — 3 0 0 15 0 1 0 0 — |
| 6. Local authorities' watering vehicles which are not electrically propelled. | — 12 cwt. 16 cwt. 1 ton 2 tons 4 tons 5 tons | 12 cwt. 16 cwt. 1 ton 2 tons 4 tons 5 tons — | 12 0 0 15 0 0 18 0 0 18 0 0 30 0 0 46 0 0 58 0 0 | — — — 3 0 0 2 0 0 1 10 0 — |
| 7. Goods vehicles not included in any of the foregoing provisions of this Part of this Schedule. | — 12 cwt. 16 cwt. 1 ton 3 tons 4 tons | 12 cwt. 16 cwt. 1 ton 3 tons 4 tons — | 12 0 0 15 0 0 18 0 0 18 0 0 42 0 0 60 0 0 | — — — 3 0 0 4 10 0 6 0 0 |

2ND SCH.

PART B

Rates of Duty on Goods Vehicles used for Drawing Trailers

| 1. Description of vehicle | Weight unladen of vehicle | | 4. Rate of Duty |
|--|------------------------------|------------------------|-----------------------|
| | 2. Exceeding | 3. Not exceeding | |
| 1. Showmen's goods vehicles used for drawing showmen's trailers. | — | — | £ s. d. 12 0 0 |
| 2. Local authorities' watering vehicles ... | — | — | 7 0 0 |
| 3. Other goods vehicles... .. | — | 2½ tons | 12 0 0 |
| | 2½ tons | 4 tons | 18 0 0 |
| | 4 tons | — | 24 0 0 |

PART V

RATES OF DUTY ON VEHICLES CHARGEABLE UNDER SECTION 6
OF ACT OF 1949

| Description of Vehicle | Rate of Duty |
|--|------------------|
| 1. Electrically propelled vehicles | £ s. d. 9 0 0 |
| 2. Other vehicles— | |
| (a) vehicles not exceeding six horse power, if registered under the Roads Act, 1920, for the first time before the first day of January, nineteen hundred and forty-seven | 10 15 0 |
| (b) vehicles exceeding six horse power but not exceeding seven horse power if registered as aforesaid | 12 10 0 |
| (c) vehicles not included in the foregoing sub-paragraphs | 15 0 0 |

Sections 9 & 30.

THIRD SCHEDULE

SUPPLEMENTARY PROVISIONS AS TO ORDERS UNDER SS. 9 AND 30

1. Any order under section nine or section thirty of this Act may be varied or revoked by a subsequent order under the section in question, and nothing in either of those sections limiting the period for which an order may continue in force shall be taken to prevent the earlier revocation of an order.

2.—(1) The powers conferred by the said sections nine and thirty to make orders shall be exercisable by statutory instrument.

(2) Any such instrument shall be laid before the Commons House of Parliament after being made, and the order shall cease to have effect at the end of twenty-one days after that on which it is made unless at some time before the end of those twenty-one days the order is approved by resolution of that House.

3. An order under section nine of this Act may be made so as to come into operation at different times of day for different duties to which that section applies.

3RD SCH.

FOURTH SCHEDULE

Section 9.

PROVISIONS AS TO SPECIAL CASES FALLING WITHIN S. 9

1. For the purposes of section nine of this Act (hereinafter referred to as "the principal section") the amount in respect of bookmakers' licence duty which a person is required to pay for the issue of a licence shall be treated as an amount of duty which he is liable to pay.

2. The adjustment specified in subsection (2) of the principal section shall be made to any liability to pool betting duty in respect of bets made at any time by reference to an event taking place during a period as respects which that subsection has effect, but not to any other liability to pool betting duty.

3. Subject to the provisions of subsection (1) of section thirteen of the Import Duties Act, 1958 (variation and revocation of orders under that Act), for the purposes of paragraph (2) of Article 2 of the Import Duties (General) (No. 3) Order, 1961 (provisions as to goods chargeable with both revenue duty and import duty) the amount of any duty to which the principal section applies chargeable on goods shall be taken to be the amount as adjusted under that section, if such an adjustment falls to be made.

4. Subsection (5) of the principal section shall apply to any payment, under subsection (1) of section eighty-five of the Act of 1952, in the case of goods warehoused on drawback which could not lawfully be entered for home use (being a payment of an amount equal to the drawback and any allowance paid in respect of the goods) as if it were a repayment of drawback or allowance.

5.—(1) At the end of paragraph (a) of subsection (1) of section one hundred and twelve of the Act of 1952 (repayment of duty in respect of spirits used for medical or scientific purposes) there shall be inserted "but subject to any adjustment falling to be made under section nine of the Finance Act, 1961".

(2) Any right to the increase provided for by the proviso to the said subsection (1) shall be subject to the like adjustment (if any) under the principal section as would have been applicable to the liability to the reduced duty mentioned in paragraph (b) of the said subsection (1) if that duty had been actually payable.

6. In subsection (2) of section two hundred of the Act of 1952 (repayment of rebate on use of rebated heavy oils as vehicle fuel) for the words "the rebate on like oils at the rate for the time being in force" there shall be substituted the words "the amount for the time being allowable in respect of rebate on like oils"; and in subsection (1) of section two hundred and eight of that Act (rebate to be repaid before rebated heavy oils mixed with light oils) for the words "the rebate allowed" there shall be substituted the words "the amount allowed in respect of rebate".

- 4TH SCH. 7. The principal section shall apply to repayments of duty under subsection (1) of section two hundred and four of the Act of 1952 (relief from duty for oils used as fuel for ships in home waters) and section two hundred and five of that Act (relief from duty for oils used in fishing boats, lifeboats, and lifeboat launching gear) and section three of this Act as if the repayments were drawbacks and not repayments.

Section 30.

FIFTH SCHEDULE

SUPPLEMENTARY PROVISIONS AS TO SURCHARGES ON EMPLOYERS

1. Subject to the following provisions of this Schedule, the relevant statutory provisions relating to national insurance shall have effect (for the purposes of the National Insurance Acts as well as for the purposes of this Act) as if—

- (a) any surcharge under section thirty of this Act (hereinafter referred to as a surcharge) which an employer is liable to pay in respect of a person for a contribution week, and
- (b) the National Insurance and Health Service contributions payable by that employer for that week in respect of that person,

together constituted one combined contribution payable by him under those Acts in respect of that person for that week.

2. Nothing in this Schedule shall be construed—

- (a) as excepting any person who pays, or is liable to pay, contributions, or as conferring any power to except any such person, from liability to pay surcharges; or
- (b) as conferring any power to modify the rates of surcharges in relation to any class of persons.

3. The relevant statutory provisions relating to national insurance, so far as they relate to the recovery of sums due to the National Insurance Fund, shall apply in relation to the recovery of any amounts due by way of surcharge as they apply in relation to the recovery of such sums.

4. References in any enactment, other than one contained in the National Insurance Acts or the enactments relating to income tax, to contributions or to sums due or payable into the National Insurance Fund shall be construed as including references to surcharges.

5. In this Schedule references to the relevant statutory provisions relating to national insurance are references to—

- (a) all the provisions of the National Insurance Acts, except subsection (1) of section thirty-five of the National Insurance Act, 1946 (payment of contributions into National Insurance Fund) and the National Insurance Act, 1959, and
- (b) except in so far as may be provided by any Order in Council or regulations made under the National Insurance Acts after the passing of this Act, all Orders in Council and regulations made thereunder, whether before or after the passing of this Act.

SIXTH SCHEDULE
REPEALS
PART I
INCOME TAX REPEALS

Section 37.

| Session and Chapter | Short Title | Extent of Repeal |
|--|------------------------------|--|
| 15 & 16 Geo. 6 & 1 Eliz. 2. c. 10. | The Income Tax Act, 1952. | In section one hundred and fifty-eight, in subsection (2), the words from "or (b)" to the end of the subsection. In section three hundred and forty-eight, in subsection (4), the words from "and, without prejudice" to the end of the subsection, and in subsection (5), the words "In this section and". |

PART II
STAMP DUTY REPEALS

| Session and Chapter | Short Title | Extent of Repeal |
|---|--|--|
| 54 & 55 Vict. c. 39. | The Stamp Act, 1891. | In section thirty-two, the words "the expression 'bill of exchange payable on demand' includes" and in paragraph (b) the words from "and sent" to the end. Section thirty-four. In section thirty-six, the words "determining the mode in which" and the words "is to be denoted". In section thirty-seven, subsection (1) and, in subsection (2), the words "Except as aforesaid". In section thirty-eight, in subsection (2), the words from "payable" to "presentation". In the First Schedule, the headings beginning "Bill of Exchange payable on demand" and "Bill of Exchange of any other kind" (but not the exemptions following). |
| 62 & 63 Vict. c. 9. | The Finance Act, 1899. | Section ten. In subsection (1) of section twelve, the words "other than a bill of exchange or promissory note". |
| 9 Edw. 7. c. 43. 8 & 9 Geo. 5. c. 15. | The Revenue Act, 1909. The Finance Act, 1918. | Section ten. Section thirty-six. |

6TH SCH.

PART III

REPEAL RELATING TO OTTOMAN LOAN

| Session and Chapter | Short Title | Extent of Repeal |
|-------------------------|--------------------------------|------------------|
| 18 & 19 Vict. c. 99. | The Turkish Loan Act, 1855. | The whole Act. |

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Table of Statutes referred to in this Act

| Short Title | Session and Chapter |
|--|--|
| Turkish Loan Act, 1855 | 18 & 19 Vict. c. 99. |
| Public Accounts and Charges Act, 1891 | 54 & 55 Vict. c. 24. |
| Stamp Act, 1891 | 54 & 55 Vict. c. 39. |
| Finance Act, 1901 | 1 Edw. 7. c. 7. |
| Finance Act, 1908 | 8 Edw. 7. c. 16. |
| Finance Act, 1920 | 10 & 11 Geo. 5. c. 18. |
| Government of Ireland Act, 1920 | 10 & 11 Geo. 5. c. 67. |
| Roads Act, 1920 | 10 & 11 Geo. 5. c. 72. |
| Finance Act, 1933 | 23 & 24 Geo. 5. c. 19. |
| National Loans Act, 1939 | 2 & 3 Geo. 6. c. 117. |
| Finance (No. 2) Act, 1945 | 9 & 10 Geo. 6. c. 13. |
| National Insurance Act, 1946 | 9 & 10 Geo. 6. c. 67. |
| Finance (No. 2) Act, 1947 | 11 & 12 Geo. 6. c. 9. |
| Finance Act, 1948 | 11 & 12 Geo. 6. c. 49. |
| Finance Act, 1949 | 12, 13 & 14 Geo. 6. c. 47. |
| Vehicles (Excise) Act, 1949 | 12, 13 & 14 Geo. 6. c. 89. |
| Finance Act, 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. |
| Finance Act, 1953 | 1 & 2 Eliz. 2. c. 34. |
| Miscellaneous Financial Provisions Act, 1955 | 4 & 5 Eliz. 2. c. 6. |
| Small Lotteries and Gaming Act, 1956 | 4 & 5 Eliz. 2. c. 45. |
| Finance Act, 1956 | 4 & 5 Eliz. 2. c. 54. |
| Customs Duties (Dumping and Subsidies) Act, 1957 | 5 & 6 Eliz. 2. c. 18. |
| National Health Service Contributions Act, 1957 | 5 & 6 Eliz. 2. c. 34. |
| Finance Act, 1957 | 5 & 6 Eliz. 2. c. 49. |
| Import Duties Act, 1958 | 6 & 7 Eliz. 2. c. 6. |
| Isle of Man Act, 1958 | 6 & 7 Eliz. 2. c. 11. |
| Finance Act, 1958 | 6 & 7 Eliz. 2. c. 56. |
| National Debt Act, 1958 | 7 & 8 Eliz. 2. c. 6. |
| National Insurance Act, 1959 | 7 & 8 Eliz. 2. c. 47. |
| Finance Act, 1959 | 7 & 8 Eliz. 2. c. 58. |
| Horticulture Act, 1960 | 8 & 9 Eliz. 2. c. 22. |
| Finance Act, 1960 | 8 & 9 Eliz. 2. c. 44. |
| Post Office Act, 1961 | 9 & 10 Eliz. 2. c. 15. |

CHAPTER 37

An Act to amend the law relating to applications for grants of representation in the case of small estates.

[19th July, 1961]

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 limits on the operation—

(a) as respects England and Wales, of section thirty-three of the Customs and Inland Revenue Act, 1881 (which, as subsequently amended, enables application for a grant of representation to be made to an officer of Customs and Excise where the gross estate does not exceed five hundred pounds),

New limits for grant of representation on application to Customs officer or sheriff clerk.

(b) as respects Scotland, of the Intestates Widows and Children (Scotland) Act, 1875, and the Small Testate Estates (Scotland) Act, 1876 (which, as subsequently amended, enable such an application to be made either to an officer of Customs and Excise or to the sheriff clerk where the gross estate does not exceed five hundred pounds),

shall be that the value of the net estate is less than one thousand pounds and that of the gross estate is less than three thousand pounds; and accordingly the enactments specified in the First Schedule to this Act shall be amended as provided by that Schedule.

(2) In this Act, and in the enactments specified in the First Schedule to this Act, "gross estate" means the aggregate of the property real and personal (but excluding property settled otherwise than by the will of the deceased), in respect of which estate duty would be payable if the duty were payable in respect of estates however small the principal value thereof, and for the purposes of this Act and those enactments the value of the net estate shall be taken to be the amount appearing from the affidavit for the Commissioners of Inland Revenue referred to in section thirty of the Customs and Inland Revenue Act, 1881, to be the value of the net real and personal estate passing under the grant of representation.

(3) The foregoing subsection shall have effect in its application to Scotland as if for the words "property, real and personal" there were substituted the words "property, heritable and moveable," and as if for the words from "the amount appearing" to the end there were substituted the words "the value of the

gross estate less the aggregate of all funeral expenses, debts and incumbrances for which an allowance falls to be made under subsection (1) of section seven of the Finance Act, 1894, in determining the value of the estate for the purpose of estate duty.”

Fees.

2. So much of subsection (1) of the said section thirty-three as provides for a fixed fee (irrespective of the amount of the estate) shall cease to have effect, and the fees payable on the giving of notice under that subsection shall be such as may be fixed under section two hundred and thirteen of the Supreme Court of Judicature (Consolidation) Act, 1925.

**Short title,
commence-
ment,
application,
repeals and
extent.**

3.—(1) This Act may be cited as the Small Estates (Representation) Act, 1961.

(2) This Act shall come into operation on such date as the Lord Chancellor and the Secretary of State may by order made by statutory instrument appoint.

(3) This Act shall not apply where the death occurred before the tenth day of April, nineteen hundred and forty-six.

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

(5) The provisions of this Act, other than this subsection, shall not extend to Northern Ireland, but notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws for purposes similar to any of the purposes of those provisions.

SCHEDULES

FIRST SCHEDULE

CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

1.—(1) In section three of the Intestates Widows and Children (Scotland) Act, 1875, for the words from “ the whole personal estate ” to “ one hundred and fifty pounds ” there shall be substituted the words “ the net estate of an intestate is of a value less than one thousand pounds, and his gross estate is of a value less than three thousand pounds ”.

(2) In section five of that Act for the words from “ the whole personal estate ” to “ one hundred and fifty pounds ” there shall be substituted the words “ the estate and effects of which the intestate died possessed exceed either of the values specified in section three of this Act ”.

2.—(1) In section three of the Small Testate Estates (Scotland) Act, 1876, for the words from “ the whole real and personal estate ” to “ one hundred and fifty pounds ” there shall be substituted the words “ the net estate of a testate is of a value less than one thousand pounds, and his gross estate is of a value less than three thousand pounds ”.

(2) In section five of that Act for the words from “ the whole real and personal estate ” to “ one hundred and fifty pounds ” there shall be substituted the words “ the estate and effects of which the testate died possessed exceed either of the values specified in section three of this Act ”.

3.—(1) In subsection (1) of section thirty-three of the Customs and Inland Revenue Act, 1881, for the words from “ the whole personal estate ” to “ three hundred pounds ” there shall be substituted the words “ the net estate of any person is of a value less than one thousand pounds and the gross estate is of a value less than three thousand pounds ”.

(2) In subsection (2) of that section, for the words from “ the whole personal estate ” to “ three hundred pounds ” there shall be substituted the words “ the estate and effects of the deceased exceed either of the values specified in the foregoing subsection ”.

4. In subsection (1) of section thirty-four of the Customs and Inland Revenue Act, 1881, after the words “ Sheriff Courts (Scotland) Act, 1876 ” there shall be inserted the words “ and the Small Estates (Representation) Act, 1961 ”.

5. In subsection (1) of section nine of the Executors (Scotland) Act, 1900, for the words “ the Finance Act, 1894, section sixteen ”, there shall be substituted the words “ the Small Estates (Representation) Act, 1961 ”.

6. In section one hundred and sixty-nine of the Supreme Court of Judicature (Consolidation) Act, 1925, in subsection (2) for the words “ under the said section sixteen ” there shall be substituted the words “ in pursuance of section thirty-three of the Customs and Inland Revenue Act, 1881 ”.

SECOND SCHEDULE

ENACTMENTS REPEALED

| Session and Chapter | Short title | Extent of Repeal |
|---------------------------------|---|--|
| 44 & 45 Vict. c. 12. | The Customs and Inland Revenue Act, 1881. | In section thirty-three, in subsection (1), the words from "and to deposit" to the end. |
| 57 & 58 Vict. c. 30. | The Finance Act, 1894 | In section thirty-four, in subsection (1), the words from "to any case" to "three hundred pounds". In section sixteen, subsections (1) and (2). |
| 10 Edw. 7 and 1 Geo. 5. c. 8 | The Finance (1909-10) Act, 1910. | In section twenty-three, in paragraph (7), the words from the beginning to "five hundred pounds, and". In section sixty-one, subsection (2). |

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Table of Statutes referred to in this Act

| Short title | Session and Chapter |
|--|------------------------|
| Intestates Widows and Children (Scotland) Act, 1875. | 38 & 39 Vict. c. 41. |
| Small Testate Estates (Scotland) Act, 1876 ... | 39 & 40 Vict. c. 24. |
| Sheriff Courts (Scotland) Act, 1876 ... | 39 & 40 Vict. c. 70. |
| Customs and Inland Revenue Act, 1881 ... | 44 & 45 Vict. c. 12. |
| Finance Act, 1894 ... | 57 & 58 Vict. c. 30. |
| Executors (Scotland) Act, 1900 ... | 63 & 64 Vict. c. 55. |
| Government of Ireland Act, 1920 ... | 10 & 11 Geo. 5. c. 67. |
| Supreme Court of Judicature (Consolidation) Act, 1925. | 15 & 16 Geo. 5. c. 49. |

CHAPTER 38

An Act to amend the Court of Chancery of Lancaster Act, 1952. [19th July, 1961]

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 Court of Chancery of Lancaster Act, 1952 (which permits the transfer of proceedings from the High Court of Justice to the Court of Chancery of the County Palatine of Lancaster) shall be amended by adding at the end of that section the words—

“ and where that jurisdiction depends upon the situation of the registered office of a company, as if such registered office was and had at all material times been situate within the said County Palatine ”.

Jurisdiction of Lancaster Palatine Court in respect of registered office of company. 15 & 16 Geo. 6. & 1 Eliz. 2. c. 49.

2. This Act may be cited as the Court of Chancery of Lancaster (Amendment) Act, 1961, and this Act and the Chancery of Lancaster Acts, 1850 to 1952 may be cited together as the Chancery of Lancaster Acts, 1850 to 1961.

Short title.

CHAPTER 39

Criminal Justice Act, 1961

ARRANGEMENT OF SECTIONS

PART I

POWERS OF COURTS IN RESPECT OF YOUNG OFFENDERS

Borstal Training and Imprisonment

Section

1. Conditions for and term of sentence of borstal training.
2. Serious offences by children and young persons.
3. Elimination of intermediate and short prison sentences.

Detention Centre and Remand Home

4. Detention of offenders aged 14 to 20.
5. Detention of defaulters aged 14 to 16.
6. Defaulters already detained in detention centre.
7. Consecutive terms and aggregate periods of detention.

Fine, Probation and Attendance Centre

8. Fines for young offenders.
9. Breach of probation, etc.
10. Attendance at attendance centres.

PART II

TREATMENT AND SUPERVISION OF PRISONERS
AND OTHER DETAINED PERSONS*Borstal Institutions and Detention Centres*

Section

11. Term of detention and supervision under sentence of borstal training.
12. Return to borstal institution on re-conviction.
13. Supervision after release from detention centre.

Approved Schools

14. Release and supervision.
15. Temporary removal from approved school.
16. Removal to borstal institution.
17. Proceedings for removal under s. 16.
18. Directions as to management of approved schools.
19. Constitution of managers.

Miscellaneous

20. Supervision of certain prisoners after release.
21. Repeal of provisions for notifying address.
22. Penalties for assisting escape from prison, etc.
23. Prison Rules.
24. Management of prisons, etc.
25. Reports to Parliament on approved schools, remand homes and attendance centres.

PART III

TRANSFER, SUPERVISION AND RECALL OF PRISONERS
WITHIN THE BRITISH ISLANDS

26. Transfer to serve sentence.
27. Temporary transfer.
28. Transfer for trial.
29. Removal for other judicial purposes.
30. Prisoners unlawfully at large.
31. Subsequent sentence in case of persons transferred or removed under Part III.
32. Supervision and recall.
33. Orders under Part III.

PART IV

SUPPLEMENTAL

34. Removals from prison consequential on Part I.
35. Legal custody.
36. General provisions as to orders.
37. Prison Commissioners' reports.
38. Construction of references to sentences of imprisonment, etc.
39. Interpretation.
40. Legislative powers of Parliament of Northern Ireland.
41. Minor and consequential amendments and repeals.
42. Application to Scotland and Northern Ireland.
43. Expenses.
44. Commencement.
45. Short title.

SCHEDULES:

First Schedule—Supervision of persons released from detention centres.

Second Schedule—Supervision of persons released from approved schools.

Third Schedule—Supervision of certain discharged prisoners.

Fourth Schedule—Minor and consequential amendments.

Fifth Schedule—Enactments repealed.

Sixth Schedule—Enactments relating to borstal training as they will have effect, subject to s. 41 (3) of this Act and to s. 18 (6) of the Legal Aid and Advice Act, 1949, when all amendments made in them by this Act operate.

An Act to amend the law with respect to the powers of courts in respect of young offenders; to make further provision as to the treatment of prisoners and other persons committed to custody, including provision for their supervision after discharge, and the management of prisons, approved schools and other institutions; to re-enact with modifications and additions certain statutory provisions relating to the removal, return and supervision of prisoners within the British Islands; and for purposes connected with the matters aforesaid.

[19th July, 1961]

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

POWERS OF COURTS IN RESPECT OF YOUNG OFFENDERS

Borstal Training and Imprisonment

1.—(1) The minimum age at conviction which qualifies for a sentence of borstal training under section twenty of the Criminal Justice Act, 1948, shall be fifteen instead of sixteen years.

Conditions for and term of sentence of borstal training.

(2) The power of a court to pass a sentence of borstal training under the said section twenty in the case of a person convicted as therein mentioned shall be exercisable in any case where the court is of opinion, having regard to the circumstances of the

PART I offence and after taking into account the offender's character and previous conduct, that it is expedient that he should be detained for training for not less than six months:

Provided that such a sentence shall not be passed on a person who is under seventeen years of age on the day of his conviction unless the court is of opinion that no other method of dealing with him is appropriate.

(3) Before passing a sentence of borstal training in the case of an offender of any age, the court shall consider any report made in respect of him by or on behalf of the Prison Commissioners, and section thirty-seven of this Act shall apply accordingly.

(4) The foregoing provisions of this section shall apply in relation to committal for a sentence of borstal training under section twenty-eight of the Magistrates' Courts Act, 1952, as they apply to the passing of such a sentence under section twenty of the Criminal Justice Act, 1948.

(5) Subsections (7) and (8) of section twenty of the Criminal Justice Act, 1948, and subsections (2) and (3) of section twenty-eight of the Magistrates' Courts Act, 1952, shall cease to have effect.

Serious offences by children and young persons.

2.—(1) In subsection (2) of section fifty-three of the Children and Young Persons Act, 1933 (which provides for the passing of a sentence of detention for a specified period in the case of children or young persons convicted on indictment of certain grave crimes therein mentioned) for the words from "an attempt to murder" to "grievous bodily harm" there shall be substituted the words "any offence punishable in the case of an adult with imprisonment for fourteen years or more, not being an offence the sentence for which is fixed by law".

(2) In subsection (1) of section seventeen of the Criminal Justice Act, 1948 (which precludes a court of assize or quarter sessions from imposing imprisonment on a person under fifteen years of age) for the words "fifteen years" there shall be substituted the words "seventeen years".

Elimination of intermediate and short prison sentences.

3.—(1) Without prejudice to any other enactment prohibiting or restricting the imposition of imprisonment on persons of any age, a sentence of imprisonment shall not be passed by any court on a person within the limits of age which qualify for a sentence of borstal training except—

(a) for a term not exceeding six months; or

(b) (where the court has power to pass such a sentence) for a term of not less than three years.

PART I

(2) Subsection (1) of this section shall not apply in the case of a person who is serving a sentence of imprisonment at the time when the court passes sentence; and for the purpose of this subsection a person sentenced to imprisonment who has been recalled or returned to prison after being released subject to supervision or on licence, and has not been released again or discharged, shall be treated as serving the sentence.

(3) In relation to a person who has served a previous sentence of imprisonment for a term of not less than six months, or a previous sentence of borstal training, subsection (1) of this section shall have effect as if for the reference to three years there were substituted a reference to eighteen months; and for the purpose of this subsection a person sentenced to borstal training shall be treated as having served the sentence if he has been released subject to supervision, whether or not he has subsequently been recalled or returned to a borstal institution.

(4) The foregoing provisions of this section, so far as they affect the passing of consecutive sentences by magistrates' courts, shall have effect notwithstanding anything in section one hundred and eight of the Magistrates' Courts Act, 1952 (which authorises such courts in specified circumstances to impose consecutive sentences of imprisonment totalling more than six months).

(5) Her Majesty may by Order in Council direct that paragraph (a) of subsection (1) of this section shall be repealed, either generally or so far as it relates to persons, or male or female persons, of any age described in the Order:

Provided that—

- (a) an Order in Council shall not be made under this subsection unless the Secretary of State is satisfied that sufficient accommodation is available in detention centres for the numbers of offenders for whom such accommodation is likely to be required in consequence of the Order;
- (b) no recommendation shall be made to Her Majesty in Council to make an Order under this subsection unless a draft of the Order has been laid before Parliament and has been approved by resolution of each House of Parliament.

Detention Centre and Remand Home

4.—(1) In any case where a court has power, or would have power but for the statutory restrictions upon the imprisonment of young offenders, to pass sentence of imprisonment on an offender under twenty-one but not less than fourteen years of age, the court may, subject to the provisions of this section, order him to be detained in a detention centre. Detention of offenders aged 14 to 20.

PART I

(2) An order for the detention of an offender under this section may be made for the following term, that is to say—

- (a) where the offender has attained the age of seventeen or is convicted before a court of assize or of quarter sessions, and the maximum term of imprisonment for which the court could (or could but for any such restriction) pass sentence in his case exceeds three months, any term of not less than three nor more than six months;
- (b) in any other case, a term of three months.

(3) An order under this section shall not be made in respect of any person unless the court has been notified by the Secretary of State that a detention centre is available for the reception from that court of persons of his class or description, or an Order in Council under subsection (5) of section three of this Act is in force in respect of persons of his age and sex.

(4) An order under this section shall not be made in respect of a person who is serving or has served a sentence of imprisonment for a term of not less than six months or a sentence of borstal training unless it appears to the court that there are special circumstances (whether relating to the offence or to the offender) which warrant the making of such an order in his case; and before making such an order in respect of such an offender the court shall—

- (a) in any case, consider any report made in respect of him by or on behalf of the Prison Commissioners,
- (b) if the court is a magistrates' court and has not received any such report, adjourn the hearing under subsection (3) of section fourteen of the Magistrates' Courts Act, 1952, and remand the offender in custody to enable such a report to be made;

and section thirty-seven of this Act shall apply accordingly.

Detention of defaulters aged 14 to 16.

5.—(1) In any case where a court has power, or would have power but for the statutory restrictions upon the imprisonment of young offenders, to commit to prison for any default a person under seventeen but not less than fourteen years of age, the court may, subject to the provisions of this section, commit him to a detention centre or to a remand home for any term not exceeding the term for which he could but for any such restriction have been committed to prison.

(2) Except as provided by the following provisions of this Part of this Act, a person shall not be committed under this section to a detention centre—

- (a) for a term of one month or less; or
- (b) for any term exceeding six months,

and shall not be committed thereunder to a remand home for a term exceeding one month.

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(3) Subsection (3) of section four of this Act shall apply in relation to the committal of any person to a detention centre under this section as it applies in relation to the making of an order for the detention of an offender under that section.

(4) This section applies in relation to the fixing of a term of imprisonment to be served in the event of default of payment of a fine or other sum of money as it applies in relation to committal to prison in default of such payment; and in any such case subsection (2) of this section shall apply in relation to the term fixed by the court, and not to that term as reduced by virtue of any subsequent payment.

(5) Subject to the foregoing provisions of this section, Part III of the Magistrates' Courts Act, 1952, and sections fourteen and fifteen of the Criminal Justice Act, 1948, shall have effect as if references to imprisonment included references to detention under this section; and references in those enactments, or in any other enactment relating to the satisfaction and enforcement of fines, recognizances and orders, to a prison or to the governor of a prison shall be construed accordingly.

6.—(1) Section five of this Act (so far as it relates to detention centres) shall apply in relation to any person who has attained the age of seventeen years and who, at the material time, is detained in a detention centre under a previous sentence or warrant, as it applies in relation to a person under that age. Defaulters already detained in detention centre.

(2) In relation to a person of any age who is detained as aforesaid, the said section five shall have effect subject to the following modifications, that is to say:—

- (a) so much of that section as relates to committal to a remand home shall not apply;
- (b) paragraph (a) of subsection (2) and subsection (3) shall be omitted.

(3) Where, after a warrant or order has been issued or made by a magistrates' court—

- (a) committing a person to prison, or ordering him to be committed to custody in a remand home, for any default; or
- (b) fixing a term of imprisonment, or of detention in a remand home, to be served by him in the event of any default,

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PART I

it is made to appear to a justice of the peace that that person is for the time being detained in a detention centre, the justice may amend the warrant or order by substituting that centre for the prison or remand home named therein and, where a prison is so named and the term of imprisonment specified in the warrant or order exceeds six months, by reducing that term to six months.

Consecutive terms and aggregate periods of detention.

7.—(1) Subject to the provisions of this section, any court which makes an order or issues a warrant for the detention of any person in a detention centre may direct that the term of detention under the order or warrant shall commence on the expiration of any other term for which that person is liable to be detained in a detention centre by virtue of an order or warrant made or issued by that or any other court.

(2) A direction shall not be given under subsection (1) of this section in connection with the making of an order under section four of this Act where the offender is under seventeen years of age.

(3) Where a direction under subsection (1) of this section is given in connection with the making of an order under section four of this Act, the term of detention specified in that order may, if the court thinks fit, be a term of less than three months; and where a direction under that subsection is given in connection with the making of an order or the issue of a warrant under section five of this Act in respect of a person under seventeen years of age, the term of detention specified in that order or warrant may, if the court thinks fit, be a term of less than one month.

(4) The aggregate of the terms for which a person may be ordered to be detained in a detention centre by virtue of any two or more orders made by the same court on the same occasion shall not in any case exceed six months.

(5) Without prejudice to subsection (4) of this section, the total term for which a person may be detained in a detention centre shall not exceed nine months at a time; and accordingly so much of any term for which a person is ordered to be so detained as, together with any other term on which it is wholly or partly consecutive, exceeds nine months shall be treated as remitted.

Fine, Probation and Attendance Centre

Fines for young offenders.

8.—(1) The limit imposed by section thirty-two of the Magistrates' Courts Act, 1952, upon the amount of the fine which may be imposed by a magistrates' court on finding guilty an offender under fourteen years of age shall be raised from forty shillings to ten pounds.

PART I

(2) The limit imposed by subsection (5) of section twenty of the said Act upon the amount of the fine which may be imposed by a magistrates' court on finding guilty a person under seventeen but not less than fourteen years of age who is charged with an offence other than a summary offence shall be raised from ten pounds to fifty pounds.

(3) Where a person under seventeen years of age is found guilty by a magistrates' court of an offence for which, apart from this subsection, the court would have power to impose a fine of an amount exceeding fifty pounds, the amount of any fine imposed by the court shall not exceed fifty pounds.

(4) Subsection (1) of section fifty-five of the Children and Young Persons Act, 1933 (which provides for the payment by parents or guardians of fines, damages or costs incurred by children or young persons) shall apply in relation to compensation for loss under subsection (2) of section eleven of the Criminal Justice Act, 1948, and to any sums which the court has power to award under section four of the Forfeiture Act, 1870, or section thirty-four of the Magistrates' Courts Act, 1952, as it applies in relation to damages or costs.

9. Where a probation order under section three of the Criminal Justice Act, 1948, or an order for conditional discharge under section seven of that Act, has been made by a magistrates' court in the case of an offender under seventeen years of age in respect of an offence not being a summary offence or an offence which, in the case of an adult, could have been tried summarily with his consent under section nineteen of the Magistrates' Courts Act, 1952, any powers exercisable by that or any other court in respect of the offender after he has attained the age of seventeen years under any of the following enactments, that is to say—

- (a) paragraph (a) of subsection (3) of section six of the said Act of 1948 (which relates to breach of the requirements of a probation order);
- (b) subsections (5) to (7) of section eight of that Act (which relate to further offences committed during the probation period or during the period of conditional discharge),

shall be those which would be exercisable if that offence were an offence which could have been tried summarily under the said section nineteen with the offender's consent, and had been so tried.

10.—(1) The minimum age at which a person may be ordered to attend at an attendance centre under section nineteen of the Criminal Justice Act, 1948, shall be ten instead of twelve years.

Attendance at
attendance
centres.

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(2) The aggregate number of hours for which a person may be required to attend at an attendance centre by virtue of an order under the said section nineteen—

(a) shall not be less than twelve except where he is under fourteen years of age and the court is of opinion, having regard to his age or any other circumstances, that twelve hours would be excessive ; and

(b) shall not exceed twelve except where the court is of opinion, having regard to all the circumstances, that twelve hours would be inadequate, and in that case shall not exceed twenty-four hours.

(3) An order shall not be made under the said section nineteen unless the court is satisfied that the attendance centre to be specified in the order is reasonably accessible to the person concerned, having regard to his age, the means of access available to him and any other circumstances.

PART II

TREATMENT AND SUPERVISION OF PRISONERS AND OTHER
DETAINED PERSONS*Borstal Institutions and Detention Centres*

Term of
detention and
supervision
under sentence
of borstal
training.

11.—(1) The maximum period for which a person sentenced to borstal training after the commencement of this section may be detained under subsection (2) of section forty-five of the Prison Act, 1952, shall be two years instead of three years, and the minimum period for which such a person may be so detained shall (subject to any direction of the Secretary of State under that subsection) be six months instead of nine months.

(2) The period for which a person sentenced to borstal training after the commencement of this section is to be under supervision under subsection (3) of the said section forty-five after his release from a borstal institution shall (subject to any order of the Prison Commissioners under that subsection) be a period of two years beginning with the date of his release instead of a period beginning with that date and continuing until the expiration of four years from the date of his sentence.

Return
to borstal
institution on
re-conviction.

12.—(1) Where a person sentenced to borstal training—

(a) being under supervision after his release from a borstal institution ; or

(b) having become unlawfully at large from a borstal institution and not having returned or been returned thereto, is convicted, whether on indictment or summarily, of an offence for which the court has power, or would have power but for the

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statutory restrictions upon the imprisonment of young offenders, to pass sentence of imprisonment, the court may, instead of dealing with him in any other manner, order that he be returned to a borstal institution.

(2) A person ordered under this section to be returned to a borstal institution shall be liable to be detained for the like period, and if under supervision shall be treated for all other purposes, as if he had been recalled to a borstal institution by order of the Prison Commissioners in pursuance of section forty-five of the Prison Act, 1952, and had been taken into custody in pursuance of that order on the date of the order under this section.

(3) Before making an order under this section in respect of an offender, the court shall consider any report made by or on behalf of the Prison Commissioners on his response to the training already undergone by him, and section thirty-seven of this Act shall apply accordingly.

(4) Where the offender is under supervision as aforesaid, and the court by which he is convicted is a magistrates' court and has not received such a report as aforesaid, the court shall adjourn the hearing in accordance with subsection (3) of section fourteen of the Magistrates' Courts Act, 1952, and remand the offender in custody to enable such a report to be made.

(5) References in this section to a person under supervision after his release from a borstal institution do not include a person who, being under supervision as aforesaid, is for the time being deemed by virtue of section forty-five of the Prison Act, 1952, to be unlawfully at large.

13. Every person who is detained in a detention centre in pursuance of an order made under section four of this Act, being an order made after the commencement of this section, shall, after his release from the detention centre, be subject to supervision under the First Schedule to this Act. Supervision after release from detention centre.

Approved Schools

14.—(1) At any time during the period of a person's detention in an approved school the managers of the school may, and if the Secretary of State so directs shall, release him : Release and supervision.

Provided that a person shall not be released within the first six months of the period without the consent of the Secretary of State.

(2) A person who, after the commencement of this section, is released from an approved school (whether under subsection (1) of this section or at the expiration of the period of his

PART II detention and whether he has been released on any previous occasion or not) shall, after his release, be subject to supervision under Part I of the Second Schedule to this Act.

(3) Part II of the Second Schedule to this Act shall have effect for the purpose of enabling the managers of an approved school to exercise certain supervisory powers in relation to a person who has been under their supervision under Part I of that Schedule, if requested by him to do so.

(4) Section seventy-four of the Children and Young Persons Act, 1933, and paragraph 6 of the Fourth Schedule to that Act, shall cease to have effect.

**Temporary
removal from
approved
school.**

15.—(1) If, on information on oath laid by or on behalf of the managers of an approved school, it appears to a justice of the peace on whom jurisdiction is hereinafter conferred that any person not less than fifteen years of age who is detained in the school is so seriously unruly or subversive that it is necessary for maintaining the discipline of the school that he should forthwith be removed therefrom pending inquiry as to the best means of dealing with him, the justice may issue a warrant directing him to be removed by a constable from the school to another approved school or to a remand centre or remand home, and there detained for a period of twenty-eight days unless sooner dealt with according to law.

(2) A justice shall have jurisdiction for the purposes of subsection (1) of this section if he is a justice for the county or borough in which the approved school first mentioned in that subsection is situated, and is not one of the managers of that school.

(3) The institution to which a person is to be removed in pursuance of a warrant under subsection (1) of this section may be specified either in the warrant as issued or by the subsequent endorsement of any justice of the peace, in either case upon intimation that arrangements have been made for the reception of that person therein; and where the institution is to be specified by endorsement, the warrant shall include directions for the removal of the person in respect of whom it is issued to a police station, and for his detention therein for a period not exceeding forty-eight hours pending his further removal pursuant to the endorsement.

(4) Where a person has been removed to any such institution as is mentioned in subsection (1) of this section in pursuance of a warrant under that subsection, any justice of the peace may, upon intimation that arrangements have been made for the reception of that person in any other such institution, issue a warrant directing him to be removed by any person named in

PART II

that behalf in the warrant, or by a constable, to that other institution and there detained for the unexpired portion of the period of twenty-eight days which began with the day on which he was first detained in any such institution under this section.

(5) Where a person is detained in an institution or police station by virtue of a warrant under this section, then, without prejudice to any other power exercisable in relation to that person by the Secretary of State, the Secretary of State may direct that, before the expiration of the period for which that person is authorised to be so detained, he shall be returned to the school from which he was removed, or first removed.

(6) If at the expiration of any period for which a person is authorised to be detained in an institution or police station by virtue of a warrant under this section that person has not been otherwise dealt with according to law (whether by virtue of the last foregoing subsection or any other enactment), he shall be returned to the school from which he was removed, or first removed, and the warrant shall include such directions as may be necessary for that purpose.

(7) A person removed under this section to an approved school shall, while liable to be detained therein, be treated as if he were so liable by virtue of an approved school order; and, without prejudice to the foregoing provision, the enactments relating to persons detained in approved schools shall apply in relation to any person removed from an approved school in pursuance of a warrant under subsection (1) of this section as if he were detained in and under the care of the managers of that school.

16.—(1) The managers of an approved school may, with the consent of the Secretary of State, bring before a magistrates' court any person not less than fifteen years of age who is detained in the school as an offender and who, in the opinion of the managers, ought to be removed from the school to a borstal institution under this section.

(2) Where a person detained in an approved school is brought before a court under this section and the court, having regard to his conduct while in that or any other approved school—

(a) is satisfied that his continued detention in an approved school would be ineffective for the purposes of his own reformation or would be detrimental to the training or welfare of other persons therein; and

(b) is of opinion that it is in his interests that he should receive training in a borstal institution,

the court may order him to be removed to such an institution.

(3) Where an order is made under this section for the removal of any person to a borstal institution, that person shall thereafter

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be treated for all purposes as if he had been sentenced to borstal training on the date of the order, except that—

- (a) where the period for which he would have been liable to be detained in an approved school would have expired within two years from that date, he shall not be liable to be detained in a borstal institution after the expiration of the first-mentioned period ; and
- (b) subsection (4) of section forty-five of the Prison Act, 1952, shall apply to him as if for the reference to the period of two years from the date of his sentence there were substituted a reference to the period for which he is liable to be detained under this subsection.

(4) On the making of an order under this section in respect of a person detained in an approved school, the order under which he was so detained shall cease to have effect.

(5) The reference in this section to a person detained in an approved school as an offender is a reference to a person who is for the time being subject to an approved school order under section fifty-seven of the Children and Young Persons Act, 1933, or an order of the Secretary of State under section fifty-eight of that Act, or an approved school order under any other enactment made by virtue of his being or having been subject to an order under either of those sections, and includes a person who, being subject to any such order as aforesaid, is for the time being detained in an approved school in pursuance of a warrant under section fifteen of this Act.

**Proceedings
for removal
under s. 16.**

17.—(1) Proceedings under section sixteen of this Act for the removal of any person from an approved school may be taken—

- (a) in any case, before a magistrates' court having jurisdiction where that school is situate ;
- (b) if that person has already been removed from that school to another approved school in pursuance of a warrant under section fifteen of this Act, before a magistrates' court having jurisdiction where that other school is situate ;

and where that person is detained in another approved school in pursuance of a warrant under the said section fifteen, such proceedings may be taken either by the managers of the school from which he was removed, or first removed, under the said section fifteen or by the managers of the school in which he is detained.

(2) If the court before which a person is brought under the said section sixteen is not in a position to decide whether to make an order under that section in his case, the court may make such interim order as it thinks fit for his detention or further

detention for a period not exceeding twenty-one days in another approved school or in a remand centre or remand home; and subsection (3) of section fifteen of this Act shall apply in relation to any such order as it applies in relation to a warrant under that section.

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(3) An interim order under subsection (2) of this section may from time to time be varied or extended by the court which made the order or by a magistrates' court acting for the same petty sessions area; but a person shall not be detained by virtue of an interim order (whether in the same institution or in different institutions) for a period exceeding eight weeks in all.

(4) Where a court having power under subsection (3) of this section to vary or extend an interim order made under subsection (2) of this section in the case of any person is satisfied on any occasion that, by reason of illness or accident, that person is unable to appear personally before the court, the court may exercise the said power on that occasion in his absence.

(5) Subject to the provisions of this section, the provisions of the Magistrates' Courts Act, 1952, and of any other enactment relating to summary proceedings (other than provisions relating to remand) shall apply in relation to proceedings for the removal of any person under the said section sixteen as they apply in relation to proceedings against a person charged with a summary offence.

18.—(1) If it appears to the Secretary of State that the provision made in any approved school with regard to any matter relating to—

Directions as to management of approved schools.

- (a) the premises or equipment of the school,
- (b) the number or grades of the staff employed in the school, or
- (c) the education, training or welfare of persons under the care of the managers,

is inadequate or unsuitable, he may give to the managers such directions as he thinks necessary for securing that proper provision is made with respect thereto.

(2) Where it appears to the Secretary of State that the managers of an approved school have failed to give effect to any directions under this section, subsection (2) of section seventy-nine of the Children and Young Persons Act, 1933 (which empowers the Secretary of State in certain circumstances to withdraw his certificate of approval) shall apply as it applies where he is dissatisfied as mentioned in that section.

19.—(1) The Secretary of State may by order make provision for regulating the constitution and proceedings of the managers of any approved school other than a school provided by a local authority or by a joint committee representing two or more local

Constitution of managers.

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authorities ; and any such order shall have effect notwithstanding anything in any trust deed relating to the school.

(2) Before making an order under the foregoing subsection in respect of any school, the Secretary of State shall afford to the managers of the school an opportunity for making representations with respect to the proposed order ; and in making any such order the Secretary of State shall have regard to all the circumstances of the school, and to the manner in which it has been managed theretofore.

(3) If in the case of an approved school, other than a school provided by a local authority or by a joint committee representing two or more local authorities, the Secretary of State is satisfied that by reason of special circumstances it is necessary to do so in the interests of the efficient management of the school, he may appoint one or more persons as additional members of the body constituting the managers of the school ; and any person so appointed shall, notwithstanding anything in any trust deed relating to the school or in any order made in respect of the school under subsection (1) of this section, be one of the managers of the school until such time as his appointment is terminated by the Secretary of State or under subsection (4) of this section.

(4) Any order or appointment made under this section in respect of an approved school shall cease to have effect if that school ceases to be an approved school ; but nothing in this subsection shall affect the validity of anything done while the order or appointment was in force.

(5) In this section " trust deed ", in relation to any school, includes any instrument (not being an order under this section) regulating the constitution of the school, or its maintenance, management or conduct, or the constitution or proceedings of its managers.

Miscellaneous

Supervision
of certain
prisoners
after release.

20.—(1) The provisions of Part I of the Third Schedule to this Act shall have effect with respect to the supervision after release from prison of persons to whom this section applies, and the return to prison of such persons in the event of failure to comply with the requirements of their supervision.

(2) This section applies to persons serving the following sentences of imprisonment (being sentences commencing after such date as may be prescribed by order of the Secretary of State), that is to say—

(a) a sentence for a term of four years or more ;

(b) a sentence for a term of six months or more passed on a person who has served at least one previous sentence,

being a sentence of imprisonment for a term of three months or more or a sentence of corrective training, preventive detention or borstal training; and

- (c) a sentence for a term of six months or more passed on a person appearing to the Prison Commissioners to have been under the age of twenty-six at the commencement of the sentence,

but does not apply to a person serving a sentence of imprisonment for life.

(3) Different dates may be prescribed by order under this section in respect of sentences described in paragraphs (a), (b) and (c) respectively of subsection (2) of this section; and different dates may be so prescribed in respect of different sentences comprised in the said paragraph (b), either according to the length of the term of the relevant sentence or to the previous sentences of the person on whom it is passed, or to both.

21. Section twenty-two of the Criminal Justice Act, 1948, section twenty-nine of the Prison Act, 1952, and the First Schedule to the last mentioned Act (which contain provisions requiring certain discharged prisoners to notify their addresses) shall cease to have effect.

Repeal of provisions for notifying address.

22.—(1) The maximum term of imprisonment which may be imposed for an offence under section thirty-nine of the Prison Act, 1952 (which relates to assisting prisoners to escape) shall be five years instead of two years.

Penalties for assisting escape from prison, etc.

(2) If any person knowingly harbours a person who has escaped from a prison or other institution to which the said section thirty-nine applies, or who, having been sentenced in any part of the United Kingdom or in any of the Channel Islands or the Isle of Man to imprisonment or detention, is otherwise unlawfully at large, or gives to any such person any assistance with intent to prevent, hinder or interfere with his being taken into custody, he 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.

(3) In the following enactments (which make provision for the application of sections thirty-nine to forty-two of the Prison Act, 1952) that is to say, subsection (3) of section one hundred and twenty-two of the Army Act, 1955, subsection (3) of section one hundred and twenty-two of the Air Force Act, 1955, and subsection (3) of section eighty-two of the Naval Discipline Act, 1957, references to the said section thirty-nine shall be construed as including references to subsection (2) of this section.

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(4) The maximum term of imprisonment and the maximum fine which may be imposed for an offence under subsection (4) of section seventy-two, subsection (4) of section seventy-eight or subsection (4) of section eighty-two of the Children and Young Persons Act, 1933 (which relate to assisting persons to escape from approved schools and remand homes, and other like offences), shall be respectively six months and one hundred pounds instead of two months and twenty pounds.

Prison Rules.

23.—(1) For the purposes of rules under section forty-seven of the Prison Act, 1952 (which authorises the making of rules for the regulation and management of prisons and the discipline and control of persons required to be detained therein) any offence against the rules committed by a prisoner may be treated as committed in the prison in which he is for the time being confined.

(2) Without prejudice to any power to make provision by rules under the said section forty-seven for the confiscation of money or articles conveyed or deposited in contravention of the said Act or of the rules, provision may be made by such rules for the withholding from prisoners (subject to such exceptions as may be prescribed by the rules) of any money or other article sent to them through the post office, and for the disposal of any such money or article either by returning it to the sender (where the sender's name and address are known) or in such other manner as may be prescribed by or determined under the rules :

Provided that in relation to a prisoner committed to prison in default of payment of any sum of money, the rules shall provide for the application of any money withheld as aforesaid in or towards the satisfaction of the amount due from him unless, upon being informed of the receipt of the money, he objects to its being so applied.

(3) A prisoner who would, apart from this subsection, be discharged on any of the days to which this subsection applies in his case shall be discharged on the next preceding day which is not one of those days.

The days to which this subsection applies are Sunday, Christmas Day, Good Friday and any day which under the Bank Holidays Act, 1871, is a bank holiday in England and Wales and, in the case of a person who is serving a term of more than one month, any Saturday.

(4) In this section the references to prisons and prisoners include references respectively to borstal institutions, detention centres and remand centres and to persons detained therein.

Management
of prisons, etc.

24.—(1) Subject to the provisions of this section, Her Majesty may by Order in Council make provision for transferring to the Secretary of State any or all of the functions of the Prison Commissioners (in this section referred to as "the Commissioners").

(2) An Order in Council under this section may contain such incidental, consequential and supplemental provisions as may be necessary or expedient in connection with the transfer effected by that or any previous Order thereunder, including provisions—

- (a) for the transfer of any property, rights or liabilities to which the Commissioners are entitled or subject, and for the vesting in the person from time to time holding office as Secretary of State of land or other property transferred by any such Order, or acquired under powers so transferred ;
- (b) for the carrying on and completion by or under the authority of the Secretary of State of anything begun by or under the authority of the Commissioners before the date of transfer ;
- (c) for the substitution of the Secretary of State for the Commissioners in any instrument, contract or legal proceeding made or begun before that date ;
- (d) for the transfer to the Home Department of Commissioners and inspectors, officers or servants of the Commissioners and (in the case of the transfer of the powers and jurisdiction of the Commissioners in respect of all institutions within their superintendence) for the dissolution of the Commissioners.

(3) An Order in Council under this section may make such adaptations or repeals in the enactments relating to the Commissioners, or to institutions within their superintendence, as may be necessary or expedient in consequence of the Order or any previous Order thereunder, and shall in particular make provision for securing that any report which, apart from any such Order, would be required by subsection (1) of section five of the Prison Act, 1952, to be made to the Secretary of State by the Commissioners shall be issued by the Secretary of State and laid before Parliament under that section accordingly.

(4) A certificate of the Secretary of State that any property vested in the Commissioners has been transferred to the Secretary of State by virtue of an Order in Council under this section shall be conclusive evidence of the transfer.

(5) 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 has been approved by resolution of each House of Parliament.

(6) In this section “functions” includes powers and duties, and “the date of transfer” means the date on which an Order in Council under this section transferring functions of the Commissioners comes into force.

PART II

Reports to
Parliament
on
approved
schools,
remand
homes and
attendance
centres.

25.—(1) The Secretary of State shall lay before Parliament—

- (a) in every year, a statement of statistical information relating to approved schools, remand homes and attendance centres in England and Wales ;
- (b) in the year nineteen hundred and sixty-four and every third subsequent year, a report on the functioning of the approved school system in England and Wales (including supervision after release) and of remand homes and attendance centres in England and Wales, and on the work of the Home Department in relation thereto.

(2) The information to be comprised in any statement laid in pursuance of paragraph (a) of subsection (1) of this section shall include the following particulars, that is to say—

- (a) in the case of approved schools, the number of such schools, and the numbers of admissions, releases and recalls during the period covered by the statement ;
- (b) in the case of remand homes, the number of such homes and the number of admissions during that period ;
- (c) in the case of attendance centres, the number of such centres, and the number of orders for attendance at such centres made during that period,

together with such additional information as the Secretary of State thinks appropriate in each case.

PART III

TRANSFER, SUPERVISION AND RECALL OF PRISONERS WITHIN
THE BRITISH ISLANDS

Transfer to
serve sentence.

26.—(1) The responsible Minister may, on the application of a person serving a sentence of imprisonment or detention in any part of the United Kingdom, make an order for his transfer to another part of the United Kingdom, there to serve the remainder of his sentence, and for his removal to an appropriate institution in that part of the United Kingdom.

(2) Where a person has been sentenced to imprisonment or detention in any of the Channel Islands or the Isle of Man, the Secretary of State may, without application in that behalf, make an order for his transfer to any part of the United Kingdom, there to serve his sentence or the remainder of his sentence, as the case may be, and for his removal to an appropriate institution in that part of the United Kingdom.

(3) Where a girl or woman has been sentenced to borstal training in Northern Ireland, the Minister of Home Affairs for Northern Ireland may, without application in that behalf, make an order for her transfer to another part of the United Kingdom,

there to serve her sentence or the remainder of her sentence, as the case may be, and for her removal to a borstal institution in that part of the United Kingdom.

(4) Subject to the following provisions of this section, a person transferred under this section to any part of the United Kingdom there to serve his sentence or the remainder of his sentence shall be treated for purposes of detention, release, recall and otherwise as if that sentence (and any other sentence to which he may be subject) had been passed by a court in that part of the United Kingdom and, where it is not a sentence which could be so passed, as if it could be so passed.

(5) Where a person sentenced to borstal training is transferred under this section to any part of the United Kingdom, the provisions applicable to him shall be those applicable to a person sentenced to borstal training by a court in that part of the United Kingdom:

Provided that—

(a) where a person so sentenced after the commencement of section eleven of this Act is transferred from England and Wales, the maximum and minimum periods for which he may be detained in a borstal institution shall be those prescribed by subsection (2) of section forty-five of the Prison Act, 1952, as amended by the said section eleven, and not those applicable to the corresponding sentence in Scotland or Northern Ireland ;

(b) where a person so sentenced at any time in Scotland or Northern Ireland is transferred to England and Wales, the period after his release during which, under subsections (3) and (4) of the said section forty-five, he remains under supervision and is liable to be recalled shall end not later than the date on which he would have ceased to be under supervision under the law of the place where he was sentenced, if he had been released there.

(6) Where a person sentenced to imprisonment or detention, not being a person sentenced to borstal training, is released and, by reason of his having been transferred under this section, his release occurs otherwise than in his place of sentence (that is to say, the part of the United Kingdom or island in which his sentence was passed)—

(a) he shall not on his release be subject to supervision under the law of the part of the United Kingdom in which he is at the time of his release unless he would have been subject to supervision if he had been released at that time in his place of sentence without having been transferred from that place ; and

PART III

(b) if in accordance with the foregoing provisions of this section he is on his release subject to supervision under the law of the part of the United Kingdom in which he is at the time of his release, the period after his release for which he is so subject shall not extend beyond the expiration of the maximum period after his release for which he could have continued to be subject to supervision under the law of his place of sentence if he had been released in that place at the said time:

Provided that this subsection shall not apply in the case of a person sentenced in any of the Channel Islands or the Isle of Man to corrective training or preventive detention.

(7) In subsection (6) of this section references to supervision include references to any obligation to comply with requirements or conditions imposed by a licence or otherwise imposed by law on or in connection with release from a prison or other institution, and any liability to be recalled or returned thereto; and for the purposes of that subsection it shall be assumed that a person who, if released in his place of sentence, could have been placed under supervision, would have been so placed.

Temporary
transfer.

27.—(1) The responsible Minister may, on the application of a person serving a sentence of imprisonment or detention in any part of the United Kingdom, make an order for his temporary transfer to another part of the United Kingdom or to any of the Channel Islands or the Isle of Man and for his removal to an appropriate institution there.

(2) The Secretary of State may, on the application of a person serving a sentence of imprisonment or detention in any of the Channel Islands or the Isle of Man, make an order for his temporary transfer to any part of the United Kingdom or another of those islands and for his removal to an appropriate institution there.

(3) A person removed in pursuance of any such order from one country or island to another shall while in the country or island to which he is so removed be kept in custody except so far as the Minister by whom the order was made may in any particular case or class of case otherwise direct.

(4) A person removed in pursuance of any such order from one country or island to another may without further order be returned to the country or island from which he was removed.

Transfer
for trial.

28.—(1) If it appears to the responsible Minister that a person serving a sentence of imprisonment or detention in any part of the United Kingdom should be transferred to another part of the United Kingdom for the purpose of attending criminal proceedings against him there, that Minister may make an order for his transfer to that other part, and for his removal to a prison or other institution there.

PART III

(2) During the period for which a person transferred under subsection (1) of this section remains in the part of the United Kingdom to which he is transferred, the provisions of section twenty-six of this Act relating to the treatment of persons transferred under that section shall apply to him as if he had been transferred to that part under that section.

(3) Where a person has been transferred under subsection (1) of this section for the purpose of any proceedings, the responsible Minister may,—

- (a) if that person is sentenced to imprisonment or detention in those proceedings, make an order under section twenty-six of this Act (but without application in that behalf) transferring him back to the country from which he was transferred under subsection (1) of this section ;
- (b) if he is not so sentenced, make an order for his return to the said country, and for his removal to an appropriate institution in that country, there to serve the remainder of the sentence referred to in subsection (1) of this section.

29.—(1) If the responsible Minister is satisfied, in the case of a person detained in any part of the United Kingdom in a prison, borstal institution, remand centre, detention centre or remand home, that the attendance of that person at any place in that or any other part of the United Kingdom is desirable in the interests of justice or for the purposes of any public inquiry, the responsible Minister may direct that person to be taken to that place. Removal for other judicial purposes.

(2) Where any person is directed under this section to be taken to any place he shall, unless the responsible Minister otherwise directs, be kept in custody while being so taken, while at that place, and while being taken back to the prison or other institution in which he is required in accordance with law to be detained.

30.—(1) The following enactments (relating to the arrest and return of prisoners and other persons unlawfully at large) that is to say— Prisoners unlawfully at large.

- (a) subsection (1) of section forty-nine of the Prison Act, 1952 ;
- (b) subsection (1) of section thirty-seven of the Prisons (Scotland) Act, 1952 ; and
- (c) subsection (1) of section thirty-eight of the Prison Act (Northern Ireland) 1953,

shall extend throughout the United Kingdom, the Channel Islands and the Isle of Man ; and any reference in those enactments to a constable shall include a reference to a person being a constable

PART III

under the law of any part of the United Kingdom or of the Isle of Man, to a member of the police in Jersey, and to 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.

(2) The enactments mentioned in subsection (1) of this section shall also apply to persons who, being unlawfully at large under any law of the Channel Islands or of the Isle of Man, are for the time being within the United Kingdom as they apply respectively to persons unlawfully at large under the law of England, Scotland and Northern Ireland; and any person arrested in the United Kingdom under the said enactments as applied by this subsection may be taken to the place in the Channel Islands or the Isle of Man in which he is required in accordance with the law in force therein to be detained.

(3) Where a person who, having been sentenced to imprisonment or detention, is unlawfully at large during any period during which he is liable to be detained in a prison, borstal institution or detention centre in any part of the United Kingdom is sentenced to imprisonment or detention by a court in another part of the United Kingdom, the provisions of section twenty-six of this Act relating to the treatment of persons transferred under that section shall apply to him, while he remains in that other part of the United Kingdom, as if he had been transferred there under that section immediately before he was so sentenced, and the responsible Minister may, if he thinks fit, make an order under that section (but without application in that behalf) transferring him back to the part of the United Kingdom from which he was unlawfully at large.

(4) In paragraph (a) of the proviso to subsection (2) of section forty-nine of the Prison Act, 1952 (which in effect enables a person who is unlawfully at large during the currency of his original sentence to count towards that sentence any period during which he is detained in pursuance of a sentence of any court) and in the proviso to subsection (2) of section thirty-seven of the Prisons (Scotland) Act, 1952, and in subsection (3) of section thirty-eight of the Prison Act (Northern Ireland), 1953 (which contain corresponding provisions for Scotland and Northern Ireland) references to a court shall include references to any court in the United Kingdom.

Subsequent sentence in case of persons transferred or removed under Part III.

31.—(1) The power of a court in any part of the United Kingdom to order that the term of any sentence of imprisonment or detention passed by the court shall commence at or before the expiration of another term of imprisonment or detention shall include power to make such an order where that other term was imposed by sentence of a court elsewhere in the United Kingdom

or in any of the Channel Islands or the Isle of Man if the offender— PART III

- (a) is serving that other sentence in that part of the United Kingdom ; or
- (b) is for the time being present in that part of the United Kingdom,

by virtue of an order under this Part of this Act, or is unlawfully at large under the law of the country in which that other sentence was passed.

(2) The provisions of this section shall be without prejudice to the powers exercisable by any court apart from those provisions.

32.—(1) The enactments mentioned in the next following sub-section, so far as they make provision— Supervision and recall.

- (a) for the supervision of persons released from a prison or other institution in any part of the United Kingdom ;
- (b) for the imposition upon persons so released of requirements or conditions to be complied with by them ; or
- (c) for the recall or return of persons so released to such a prison or institution,

shall apply to a person so released who is for the time being in any other part of the United Kingdom or in the Channel Islands or the Isle of Man ; and for that purpose those enactments shall extend throughout the United Kingdom, the Channel Islands and the Isle of Man.

(2) The following are the enactments extended by this section, that is to say:—

- (a) sections twenty-five, twenty-six, twenty-seven and forty-five of the Prison Act, 1952 ;
- (b) sections nineteen, twenty, twenty-one, twenty-three and thirty-three of the Prisons (Scotland) Act, 1952 ;
- (c) sections twenty, twenty-one, twenty-two and twenty-three of the Prison Act (Northern Ireland), 1953, and the First, Second and Third Schedules to that Act ; and
- (d) sections thirteen and twenty of this Act and the First and Third Schedules to this Act.

(3) Part II of the Third Schedule to this Act shall have effect for the purposes of that Schedule as extended by this section.

33. Any order of a Secretary of State under this Part of this Act shall be given under the hand of the Secretary of State or of an Under-Secretary or Assistant Under-Secretary of State. Orders under Part III.

PART IV

SUPPLEMENTAL

**Removals
from prison
consequential
on Part I.**

34.—(1) Subject to subsection (2) of this section, the Prison Commissioners may, if satisfied that it is expedient to do so, remove from a prison to a borstal institution or a detention centre any person who, at or after the commencement of subsection (2) of section two or subsection (1) of section three of this Act, or of an Order in Council under subsection (5) of the said section three, is serving a sentence of imprisonment in a prison in England and Wales, being a sentence which, by virtue of that enactment or of that Order, as the case may be, could not then be passed in his case by a court in England and Wales.

(2) A person shall not be removed under this section to a borstal institution unless his sentence of imprisonment was a sentence for a term exceeding six months, and shall not be removed thereunder to a detention centre if the unexpired period of the term of his sentence exceeds nine months.

(3) Where a person is removed under this section to a borstal institution, he shall thereafter be treated as if his sentence had been a sentence of borstal training except that—

(a) his liability to be detained under section forty-five of the Prison Act, 1952, in a borstal institution shall continue until the expiration of his term of imprisonment, and shall then determine ;

(b) subsections (3) to (5) of section forty-five of the Prison Act, 1952, shall not apply to him on his release, but the Prison Commissioners may release him on licence at any time before the expiration of the said term, and in that case subsections (3) to (6) of section twenty-five of that Act (which relate to persons released from prison on licence under that section), shall apply as if for references to a prison there were substituted references to a prison or a borstal institution.

(4) Where a person is removed under this section to a detention centre, he shall thereafter be treated as if his sentence had been an order for his detention in a detention centre for a term equal to his term of imprisonment.

(5) Notwithstanding anything in this section, a person transferred thereunder shall, while detained in a borstal institution or detention centre, be treated for the purposes of section three of this Act as if he were serving his sentence of imprisonment.

(6) Where an order has been made under Part III of this Act for the removal to a prison in England and Wales of a person who, under this section, could be removed from that prison to a borstal institution or detention centre, the Prison Commis-

tioners may direct that he shall, on his arrival in England and Wales, be taken to a borstal institution or a detention centre instead of that prison.

PART IV

35.—(1) Any person required or authorised by or under this Act to be taken to any place or to be kept in custody shall, while being so taken or kept, be deemed to be in legal custody.

(2) A constable, or any other person required or authorised by or under this Act to take any person to or keep him at any place shall, while taking or keeping him there have all the powers, authorities, protection and privileges which a constable has within the area for which he acts as constable.

36.—(1) Any power of the Secretary of State to make orders under this Act (other than orders under subsection (1) of section nineteen or under Part III) shall be exercisable by statutory instrument.

General provisions as to orders.

(2) Any Order in Council or order under this Act may be varied or revoked by a subsequent Order in Council or order.

37. In any case where a court is required by this Act to consider a report made by or on behalf of the Prison Commissioners in respect of an offender, the court shall cause a copy of the report to be given to the offender or his counsel or solicitor.

Prison Commissioners' reports.

38.—(1) Except as provided by subsection (3) of this section, the expression "sentence" in this Act does not include a committal for default or the fixing of a term to be served in the event of default, or a committal or attachment for contempt of court.

Construction of references to sentence of imprisonment, etc.

(2) For the purposes of any provisions of this Act referring to a person who is serving or has served a sentence of any description, the expression "sentence" includes—

- (a) in any case, a sentence of that description passed by a court in Scotland, Northern Ireland, any of the Channel Islands or the Isle of Man ; and
- (b) in the case of imprisonment, a sentence passed by a court-martial on a person found guilty of a civil offence (within the meaning of the Naval Discipline Act, 1957, the Army Act, 1955, or the Air Force Act, 1955), and a sentence which is treated by virtue of the Colonial Prisoners Removal Act, 1884, as a sentence passed by a court in England and Wales.

(3) For the purposes of Part III and of sections twenty-two and thirty-four of this Act—

- (a) the expression "imprisonment or detention" means imprisonment, corrective training, preventive detention, borstal training or detention in a detention centre ;

PART IV

(b) the expression " sentence " includes a sentence passed by a court-martial for any offence, and any order made by any court imposing imprisonment or detention, and " sentenced " shall be construed accordingly.

(4) For the purposes of any reference in this Act to a term of imprisonment or of detention in a detention centre or to a term of imprisonment or detention, consecutive terms and terms which are wholly or partly concurrent shall be treated as a single term.

(5) For the purposes of this Act (and of any enactment referred to in Part III of this Act)—

(a) a sentence of penal servitude passed in any of the Channel Islands or the Isle of Man shall be treated as a sentence of imprisonment for the like term ;

(b) a sentence of detention in a borstal institution passed as aforesaid shall be treated as a sentence of borstal training ;

(c) a sentence of death passed by any court (including a court-martial) on a person subsequently pardoned by Her Majesty on condition of his serving a term of imprisonment or penal servitude shall be treated as a sentence of imprisonment or penal servitude passed by that court for that term ; and

(d) without prejudice to paragraph (c) of this subsection, any reference to a person on whom a sentence of any description has been passed includes a reference to a person who under the law of any part of the United Kingdom, any of the Channel Islands or the Isle of Man is treated as a person on whom a sentence of that description has been passed ;

and " sentenced " shall be construed accordingly.

Interpretation. 39.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say :—

" appropriate institution " means—

(a) in relation to a person sentenced to borstal training who is removed under Part III of this Act to any part of the United Kingdom, a borstal institution ;

(b) in relation to a person sentenced to detention in a detention centre who is so removed to England and Wales or Scotland, a detention centre ;

(c) in relation to any other person who is removed under the said Part III, a prison ;

“ court ” includes an appeal committee of quarter sessions ;

“ court-martial ” includes the Courts-Martial Appeal Court and any officer exercising jurisdiction under section forty-nine of the Naval Discipline Act, 1957 ;

“ default ” means failure to pay, or want of sufficient distress to satisfy, any fine or other sum of money, or failure to do or abstain from doing any thing required to be done or left undone ;

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

“ prison ” does not include a naval, military or air force prison ;

“ responsible Minister ” means—

(a) in relation to persons detained in England and Wales or in Scotland, a Secretary of State ;

(b) in relation to persons detained in Northern Ireland, the Minister of Home Affairs for Northern Ireland ;

“ the statutory restrictions upon the imprisonment of young offenders ” means subsection (1) of section seventeen of the Criminal Justice Act, 1948, subsection (2) of section one hundred and seven of the Magistrates’ Courts Act, 1952, and section three of this Act.

(2) Except as otherwise expressly provided, references in this Act to a court do not include references to a court-martial ; and nothing in this Act shall be construed as affecting the punishment which may be awarded by a court-martial under the Naval Discipline Act, 1957, the Army Act, 1955, or the Air Force Act, 1955, for a civil offence within the meaning of those Acts.

(3) Where the age of any person at any time is material for the purposes of any provision of this Act regulating the powers of a court or justice of the peace, his age at the material time shall be deemed to be or to have been that which appears to the court or justice, after considering any available evidence, to be or to have been his age at that time.

(4) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as extended or applied, by or under any other enactment, including this Act.

40. 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 the custody and treatment of

Legislative powers of Parliament of Northern Ireland.

PART IV

prisoners and other persons detained, make such amendments of the provisions of this Act, so far as those provisions extend to Northern Ireland, as may be necessary for the purpose of bringing those provisions into conformity with the provisions of that Act.

Minor and consequential amendments and repeals.

41.—(1) The enactments described in the Fourth 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.

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

(3) The amendment or repeal by this Act of any enactment described in the said Fourth or Fifth Schedule shall not extend to that enactment in so far as it applies to any person—

(a) by virtue of his having been sentenced to borstal training before the commencement of section eleven of this Act ; or

(b) by virtue of his having been released from an approved school before, and not having again been so released after, the commencement of section fourteen of this Act.

(4) In accordance with subsections (1) and (2) of this section, but subject to subsection (3) thereof and to the repeal provided for by subsection (6) of section eighteen of the Legal Aid and Advice Act, 1949, the following enactments (which relate to borstal training) that is to say section twenty of the Criminal Justice Act, 1948, section twenty-eight of the Magistrates' Courts Act, 1952, and section forty-five of the Prison Act, 1952, shall, after the commencement of all such provisions of the Fourth and Fifth Schedules to this Act as relate to those enactments, have effect as set out in the Sixth Schedule to this Act.

Application to Scotland and Northern Ireland.

42.—(1) The following provisions of this Act shall extend to Scotland, that is to say—

Part III except section thirty-three ;

section thirty-five ;

sections thirty-eight and thirty-nine ;

section forty-one and the Fourth, Fifth and Sixth Schedules, so far as they relate to enactments which extend to Scotland ;

but except as aforesaid, and except so far as it relates to the commencement of the said provisions, this Act shall not extend to Scotland.

PART IV

(2) The following provisions of this Act shall extend to Northern Ireland, that is to say—

Part III ;

section thirty-five ;

sections thirty-eight to forty ;

section forty-one and the Fourth and Sixth Schedules, so far as they relate to enactments which extend to Northern Ireland ;

but except as aforesaid, and except so far as it relates to the commencement of the said provisions, this Act shall not extend to Northern Ireland.

43. There shall be paid out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums which, under any other enactment, are payable out of moneys so provided. Expenses.

44.—(1) The foregoing provisions of this Act (including the Schedules therein referred to) shall come into operation on such date as the Secretary of State may by order appoint. Commence-ment.

(2) Different dates may be appointed by order under this section for different purposes of this Act ; and any reference in this Act to the commencement of any provision of this Act shall be construed as a reference to the date appointed for the purposes of that provision.

45. This Act may be cited as the Criminal Justice Act, 1961. Short title.

SCHEDULES

Section 13.

FIRST SCHEDULE

SUPERVISION OF PERSONS RELEASED FROM DETENTION CENTRES

1. A person detained in a detention centre in pursuance of an order under section four of this Act shall, after his release and until the expiration of the period of twelve months from the date of his release, be under the supervision of such society or person as may be specified in a notice to be given to him by the Prison Commissioners on his release, and shall, while under that supervision, comply with such requirements as may be so specified :

Provided that the Prison Commissioners may at any time modify or cancel any of the said requirements or order that a person who is under supervision as aforesaid shall cease to be under supervision.

2. If before the expiration of the said period of twelve months the Prison Commissioners are satisfied that a person under supervision under the foregoing paragraph has failed to comply with any requirement for the time being specified in the notice given to him under that paragraph, they may by order recall him to a detention centre ; and thereupon he shall be liable to be detained in the detention centre until the expiration of a period equivalent to that part of his term which was unexpired on the date of his release from the detention centre, or until the expiration of the period of fourteen days from the date of his being taken into custody under the order, whichever is the later, and, if at large, shall be deemed to be unlawfully at large :

Provided that—

(a) a person shall not be recalled more than once under this paragraph by virtue of the same order under section four of this Act ; and

(b) an order under this paragraph shall, at the expiration of the said period of twelve months, cease to have effect unless the person to whom it relates is then in custody thereunder.

3. The Prison Commissioners may at any time release a person who is detained in a detention centre under paragraph 2 of this Schedule.

Section 14.

SECOND SCHEDULE

SUPERVISION OF PERSONS RELEASED FROM APPROVED SCHOOLS

PART I

COMPULSORY SUPERVISION

1.—(1) A person released from an approved school shall until the expiration of the period of two years from the date of his release or until he attains the age of twenty-one, whichever is the earlier, be under the supervision of the managers of that school, and shall while out from the school under that supervision live with the person named in that behalf in a notice to be given by the managers to the first-mentioned person on his release, or with such other person as the managers may thereafter from time to time nominate.

(2) The person with whom a person is required to live while out under supervision from his school shall be either his parent or any suitable person who is willing to receive and take charge of him.

2ND SCH.

2.—(1) The managers of an approved school from which a person is out under supervision may, at any time before the expiration of the said period of two years, by order in writing recall him to the school; and thereupon he shall be liable to be detained in the school until the expiration of the period of his detention or the expiration of six months from the date on which he returns (or is brought back) to the school, whichever is the later:

Provided that a person who has attained the age of nineteen shall not be recalled under this paragraph without the consent of the Secretary of State.

(2) A person shall not be recalled to, or be liable to be detained in, an approved school under this paragraph after he has attained the age of twenty-one.

3. The managers of an approved school in which a person is detained under paragraph 2 of this Schedule may at any time release him, and paragraphs 1 and 2 of this Schedule shall apply on his release under this paragraph as they apply in the case of his original release except that the references to the period of two years from the date of his release shall be construed as references to the period of two years from the date of his original release.

4. For the purposes of the application of paragraphs 1 to 3 of this Schedule to a person who was originally released from an approved school (whether on licence or under supervision) before the date of the commencement of section fourteen of this Act and who on or after that date is again released from an approved school (being either the same school or any other school in England and Wales in which he is detained by virtue of the same approved school or other order), the references in the said paragraphs 1 and 2 to the period of two years from the date of his release shall be construed as references to the period of two years from the date of his original release before the commencement of that section, and, as regards the references in the said paragraph 3 to his original release, the first of them shall be construed as a reference to his earliest release after the said commencement, and the second of them shall be construed as a reference to his original release before the said commencement.

5. For the purposes of the Children and Young Persons Act, 1933, and any other enactment (including this Act) relating to approved schools, a person under the supervision of the managers of an approved school shall, while he is out under supervision from the school, be deemed to be under the care of the managers.

6.—(1) An order of the Secretary of State under paragraph 9 of the Fourth Schedule to the Children and Young Persons Act, 1933, that a person under the care of the managers of an approved school be discharged or be transferred to the care of the managers of another school shall, in the case of a person who is under the supervision of the first-mentioned managers, have the effect of discharging him from their supervision as well as from their care.

2ND SCH.

(2) Where a person who is under the supervision of the managers of an approved school is transferred as aforesaid to the care of the managers of another school in England and Wales, he shall remain subject to supervision under Part I of this Schedule, but as from the time of his transfer he shall be under the supervision of the managers of that other school, and Parts I and II of this Schedule shall apply to him as if his original release as mentioned in paragraph 1 of this Schedule had been from that other school, the person (if any) with whom he was, immediately before his transfer, required to live under that paragraph being treated as having been nominated in that behalf by the managers of the last-mentioned school immediately after his transfer.

PART II

FURTHER ADVICE AND ASSISTANCE

7. Where a person under the supervision of the managers of an approved school under Part I of this Schedule ceases to be under their supervision otherwise than by reason of his being transferred as mentioned in sub-paragraph (1) of paragraph 6 of this Schedule, then during the period beginning with the day on which he so ceases and ending with the date of the third anniversary of the expiration of the period of his detention or the date on which he attains the age of twenty-one, whichever is the earlier, the managers, if so requested by him, may, to the extent that they think it appropriate to do so, cause him to be visited, advised and befriended or give him assistance (including, if they think fit, financial assistance) in maintaining himself and finding suitable employment.

8. Where, in the case of a person to whom paragraph 4 of this Schedule applies, his earliest release from an approved school after the commencement of section fourteen of this Act occurs after the expiration of the period of two years from the date of his original release but not later than whichever of the dates mentioned in paragraph 7 of this Schedule is the earlier in his case, he shall be treated for the purposes of the said paragraph 7 as ceasing to be under the supervision of the managers of the school under Part I of this Schedule on the day of his earliest release as aforesaid.

Sections 20
and 32.

THIRD SCHEDULE

SUPERVISION OF CERTAIN DISCHARGED PRISONERS

PART I

SUPERVISION WITHIN ENGLAND AND WALES

General Provisions

1. Subject to the provisions of this Schedule, every person to whom section twenty of this Act applies shall, after his release from prison and until the expiration of the period of twelve months from the date of his release, be under the supervision of the Society, and shall, while under that supervision—

- (a) keep in touch with his supervising officer in accordance with such instructions as may from time to time be given by that officer ; and
- (b) comply with such other requirements as may be specified in the notice of supervision given to him under this Schedule.

2. Before the release of any such person from prison, the Prison Commissioners shall cause to be given to him a notice (in this Schedule referred to as a notice of supervision) giving the name and address of the person (being an officer of the Society or a probation officer) who is to be his supervising officer in the first instance, and specifying any requirements, including the requirement to keep in touch with that officer, with which he has to comply while under supervision; and a notice given to any person under this paragraph shall contain a statement that it is given to him as falling within a specified class of the persons to whom section twenty of this Act for the time being applies.

3RD SCH.

3. At any time during the period for which a person is subject to supervision under this Schedule (in this Schedule referred to as the period of supervision) his supervising officer may be replaced by another supervising officer (being an officer of the Society or a probation officer) named in a notice in writing given to the person under supervision by his then supervising officer or by any other person qualified to be named as his supervising officer; and any such notice shall specify the address of the new supervising officer and the date from which he is to act as such.

4. The Prison Commissioners may, by notice in writing served on the Society at any time during the period of supervision—

- (a) discharge from supervision any person to whom a notice of supervision has been given; or
- (b) cancel or modify any of the requirements specified in such a notice in pursuance of sub-paragraph (b) of paragraph 1 of this Schedule;

and where a notice is served under this paragraph in respect of any person it shall be the duty of the Society to inform that person of the terms of the notice.

Return to prison in case of breach of supervision

5. Any person who, being under supervision under this Schedule, fails to comply with any of the requirements imposed on him thereunder may be sent back to prison by order of a magistrates' court for such term as may be specified in that order, not exceeding whichever is the shorter of the following, that is to say—

- (a) a period equal to one third of the term of imprisonment to which he was originally sentenced, or, if that period exceeds six months, a period of six months;
- (b) a period equal to so much of the period of supervision as was unexpired at the date of the laying of the information by which the proceedings were commenced.

6. Subject to the following provisions of this Schedule, the Magistrates' Courts Act, 1952, and any other enactment relating to summary proceedings, shall apply in relation to proceedings for an

3RD SCH. order under paragraph 5 above as they apply in relation to proceedings in respect of a summary offence, and references in those enactments to an offence, trial, conviction or sentence shall be construed accordingly.

7. Proceedings for an order under paragraph 5 above may be brought in a magistrates' court for any county or borough in which the supervising officer carries out his duties; but no summons or warrant shall be issued for the purposes of such proceedings under section one of the Magistrates' Courts Act, 1952, except upon information laid by or on behalf of the Prison Commissioners.

8. A warrant issued under the said section one for the purposes of proceedings for an order under the said paragraph 5 may, if the person laying the information so requests, bear an endorsement requiring any constable charged with its execution to communicate with the Prison Commissioners before arresting the person under supervision if the constable finds that that person is earning an honest livelihood or that there are other circumstances which ought to be brought to the notice of the Commissioners.

9. If, on the hearing of any such proceedings, the court is satisfied that the person under supervision has failed to comply with any of the requirements of his supervision but is of opinion, having regard to all the circumstances of the case, that it is unnecessary or inexpedient to send him back to prison, the court may make no order in the case.

10. If any person while under supervision under this Schedule is convicted, whether on indictment or summarily, of an offence for which the court has power to pass sentence of imprisonment, the court may, instead of dealing with him in any other manner, make any order which could be made by a magistrates' court under paragraph 5 of this Schedule in proceedings for such an order.

11. The Prison Commissioners may at any time release from prison a person who has been sent back to prison under paragraph 5 or paragraph 10 of this Schedule; and the provisions of this Schedule shall apply to a person released by virtue of this paragraph subject to the following modifications:—

- (a) the period of twelve months referred to in paragraph 1 shall be calculated from the date of his original release; and
- (b) in relation to any further order for sending him back to prison under this Schedule, the period referred to at subparagraph (a) of paragraph 5 shall be reduced by any time during which he has been detained by virtue of the previous order.

Supplementary

12. In any proceedings, a certificate purporting to be signed by or on behalf of the Prison Commissioners and certifying—

- (a) that a notice of supervision was given to any person in the terms specified in the certificate and on a date so specified; and

- (b) either that no notice has been served in respect of him under paragraph 4 of this Schedule or that a notice has been so served in the terms specified in the certificate,

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shall be evidence of the matters so certified and, if the term of imprisonment which he was serving until his release is stated in the notice of supervision, shall be evidence of the length of that term; and the fact that a notice of supervision was given to any person shall be evidence that he was a person to whom section twenty of this Act applies.

13. In any proceedings, a certificate purporting to be signed by an officer of the Society or a probation officer and certifying—

- (a) that on a date specified in the certificate he gave to the person named in the certificate a notice under paragraph 3 of this Schedule in the terms so specified; or

- (b) that on a date specified in the certificate he informed the person named in the certificate of the terms of a notice served on the Society under paragraph 4 of this Schedule,

shall be evidence of the matter so certified and, in the case of a certificate under sub-paragraph (b) above, of the service and terms of the notice under the said paragraph 4.

14. In this Schedule “the Society” means the Central After-Care Association, or such other society as may from time to time be designated by the Secretary of State as the Society for the purposes of this Schedule.

15. Any notice to be served under paragraph 4 of this Schedule may be served by post.

16. For the purposes of Part III of this Act, a person who has been sent back to prison under paragraph 5 or paragraph 10 of this Schedule, and has not been released again, shall be deemed to be serving part of his original sentence, whether or not the term of that sentence has in fact expired.

PART II

MODIFICATION OF PART I AS EXTENDED OUTSIDE ENGLAND AND WALES

Scotland

17. In relation to anything falling to be done in Scotland under Part I of this Schedule, for the words “an officer of the Society or a probation officer”, wherever they occur, there shall be substituted the words “an officer of the Society or any other person, including a probation officer in Scotland, authorised by the Society”.

18. In relation to proceedings in Scotland, paragraph 5 of this Schedule shall have effect as if for the reference to a magistrates’ court there were substituted a reference to the sheriff, and references in paragraphs 9 and 10 to the court and to a magistrates’ court shall be construed accordingly; in paragraph 8 the words

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“ under the said section one ” shall be omitted ; and the following shall be substituted for paragraphs 6 and 7 :—

“ 6. Proceedings for an order under paragraph 5 above shall be commenced by sworn information laid by or on behalf of the Prison Commissioners before a sheriff having jurisdiction in the area in which the supervising officer carries out his duties ; and upon any such information the sheriff may issue a warrant for the arrest of the person under supervision or may, if he thinks fit, instead of issuing such a warrant in the first instance, issue a citation requiring that person to appear before him at such time as may be specified in the citation.

7. If the sheriff before whom a person appears or is brought under the last foregoing paragraph is satisfied that that person has failed to comply with any of the requirements of his supervision, the sheriff may make an order under the said paragraph 5 accordingly ”.

19. In any proceedings in Scotland, a certificate or notice which, under paragraph 12 or paragraph 13 of this Schedule, is evidence of any matter shall be sufficient evidence of that matter.

20. Where an order is made by any court in Scotland under paragraph 5 or paragraph 10 of this Schedule sending back to prison a person under supervision, the court shall commit him to a prison in Scotland ; but the Secretary of State may, without application in that behalf, make at any time an order under section twenty-six of this Act transferring him to a prison in England.

21. In relation to a person detained by virtue of an order under the said paragraph 5 or paragraph 10 in a prison in Scotland, paragraph 11 (and, if that person is released from such a prison under that paragraph, paragraph 2) of this Schedule shall have effect as if for references to the Prison Commissioners there were substituted references to the Secretary of State.

Northern Ireland

22. In relation to anything falling to be done in Northern Ireland under Part I of this Schedule, any reference to a probation officer shall be construed as a reference to a probation officer in Northern Ireland.

23. In relation to proceedings in Northern Ireland, paragraphs 5 to 10 of this Schedule shall have effect as if—

- (a) for references to a magistrates' court there were substituted references to a court of summary jurisdiction ;
- (b) for references to the Magistrates' Courts Act, 1952 (except references to section one of that Act) there were substituted references to the Summary Jurisdiction Acts (Northern Ireland) ; and
- (c) for references to the said section one there were substituted references to section eleven of the Petty Sessions (Ireland) Act, 1851.

24. Where an order is made by a court in Northern Ireland under paragraph 5 or paragraph 10 of this Schedule sending back

to prison a person under supervision, the court shall commit him to a prison in Northern Ireland; but the Minister of Home Affairs may, without application in that behalf, make at any time an order under section twenty-six of this Act transferring him to a prison in England.

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25. In relation to a person detained by virtue of an order under the said paragraph 5 or paragraph 10 in a prison in Northern Ireland, paragraph 11 (and, if that person is released from such a prison under that paragraph, paragraph 2) of this Schedule shall have effect as if for references to the Prison Commissioners there were substituted references to the Ministry of Home Affairs for Northern Ireland.

Channel Islands and Isle of Man

26. Her Majesty may by Order in Council make such provision as appears to Her to be proper for the purposes of or in connection with the application of Part I of this Schedule to any of the Channel Islands or to the Isle of Man.

General

27. In relation to anything falling to be done outside England and Wales, any reference to the Society in Part I of this Schedule shall (subject to any Order in Council under paragraph 26 of this Schedule) be construed as a reference to the Society within the meaning of paragraph 14 of this Schedule or such other society as may be designated for the purpose by the Secretary of State; and different societies may be designated under this paragraph for different purposes of the said Part I, or for any purpose of that Part in its application to persons of different classes or in different circumstances.

28. The enactments authorising warrants of arrest for criminal offences issued in any country to which this Schedule extends to be executed in any other such country shall apply to any warrant issued for the purposes of proceedings under Part I of this Schedule as they apply to such warrants as aforesaid.

FOURTH SCHEDULE

Section 41.

MINOR AND CONSEQUENTIAL AMENDMENTS

| <i>Enactment</i> | <i>Amendment</i> |
|--|---|
| The Children and Young Persons Act, 1933. 23 & 24 Geo. 5. c. 12. | In section fifty-three, in subsection (2), after the words "detained for such period" there shall be inserted the words "not exceeding the maximum term of imprisonment with which the offence is punishable in the case of an adult,"; and in subsection (4), after the words "at any time", in the second place where those words occur, there shall be inserted the words "by notice in writing", and for the words from "shall return" to the end of the subsection there shall be substituted the words "shall, if at large, be deemed to be unlawfully at large." |

N

4TH SCH

Enactment

The Children and Young Persons Act, 1933. 23 & 24 Geo. 5. c. 12.—*cont.*

Amendment

For section fifty-four there shall be substituted the following section—

“ 54.—(1) In any case where a court has power, or would have power but for the statutory restrictions upon the imprisonment of young offenders,—

- (a) to pass sentence of imprisonment on a child or young person found guilty of an offence; or
- (b) to commit a child to prison for any default,

the court may, if it considers that no other method of dealing with him is suitable, commit him to custody in a remand home:

Provided that a young person shall not be committed to custody in a remand home by virtue of paragraph (a) of this subsection if the court has power under section four of the Criminal Justice Act, 1961, to make an order for the detention in a detention centre of a person of his age and sex.

(2) The term for which a person may be committed to custody in a remand home under this section shall not exceed the maximum term for which he could (or could but for any such restrictions) have been sentenced to imprisonment or committed to prison, as the case may be, and shall not in any case exceed one month.

(3) This section applies in relation to the fixing of a term of imprisonment to be served in the event of default of payment of a fine or other sum of money as it applies in relation to committal to prison in default of such payment.

(4) In this section ‘the statutory restrictions upon the imprisonment of young offenders’ and ‘default’ have the same meaning as in the Criminal Justice Act, 1961”.

In section seventy-two, in subsection (4), for the words “two months” there shall be substituted the words “six months”, and for the words “twenty pounds” there shall be substituted the words “one hundred pounds”.

In section seventy-eight, in subsection (4), for the words “two months” there shall be substituted the words “six months”, and for the words “twenty pounds” there shall be substituted the words “one hundred pounds”.

*Enactment**Amendment*

4TH SCH.

The Children and Young Persons Act, 1933. 23 & 24 Geo. 5. c. 12.—*cont.*

In section eighty-two, in subsection (1), for the words "or on licence" there shall be substituted the words "or under supervision"; and in subsection (4), for the words "two months" there shall be substituted the words "six months", and for the words "twenty pounds" there shall be substituted the words "one hundred pounds".

In section eighty-three, in subsection (1), after the word "Act" there shall be inserted the words "and of the Criminal Justice Act, 1961,"; and in subsection (3), for the words "on licence" there shall be substituted the words "under supervision", and after the word "Act" there shall be inserted the words "and of the Criminal Justice Act, 1961,".

In section eighty-eight, in subsection (4), in paragraph (b) after the word "supervision" there shall be inserted the words "or has been removed under section sixteen of the Criminal Justice Act, 1961, to a borstal institution".

In the Fourth Schedule, in paragraph 9, in sub-paragraph (2), after the word "afore-said" there shall be inserted the words "or removed under section sixteen of the Criminal Justice Act, 1961, to a borstal institution"; in sub-paragraph (3), for the words "this Act shall have effect" there shall be substituted the words "this Act and the Criminal Justice Act, 1961, shall have effect"; and in paragraph 12, in sub-paragraph (3), at the end there shall be added the words "or as authorised by paragraph 7 of the Second Schedule to the Criminal Justice Act, 1961".

The Children and Young Persons Act, 1938. 1 & 2 Geo. 6. c. 40.

In section six, in subsection (2), after the words "Criminal Justice Act, 1948" there shall be inserted the words "or under section five, section fifteen or subsection (2) of section seventeen of the Criminal Justice Act, 1961,".

The Family Allowances Act, 1945. 8 & 9 Geo. 6. c. 41.

In section eleven, in subsection (1), in paragraph (a), for the words from "or seventy-four" to the end of the paragraph there shall be substituted the words "of that Act or Part I of the Second Schedule to the Criminal Justice Act, 1961, and the child is not absent from the school under supervision;".

4TH SCH.

*Enactment**Amendment*

The Children Act,
1948. 11 & 12 Geo.
6. c. 43.

In section six, in subsection (4), for the words "under section seventy-four of the said Act of 1933" there shall be substituted the words "under Part I of the Second Schedule to the Criminal Justice Act, 1961", and for the words "the said section seventy-four or" there shall be substituted the words "the said Part I or the said section".

The Criminal Justice
Act, 1948. 11 & 12
Geo. 6. c. 58.

Section eighteen shall cease to have effect.

In section nineteen, in subsection (1), for the words "section seventeen of this Act or subsections (2) to (6) of section one hundred and seven of the Magistrates' Courts Act, 1952" there shall be substituted the words "the statutory restrictions upon the imprisonment of young offenders", and for the word "twelve", in the first place where that word occurs, there shall be substituted the word "ten".

In section twenty, in subsection (1), for the word "sixteen" there shall be substituted the word "fifteen" and for the words from "and the court" to "Borstal institution" there shall be substituted the words "and a sentence of borstal training is available in his case under subsection (2) of section one of the Criminal Justice Act, 1961,"; and in subsection (5), in paragraph (a), for the words "if satisfied of the matters mentioned in subsection (1) of this section" there shall be substituted the words "if a sentence of borstal training is available in his case under subsection (2) of section one of the Criminal Justice Act, 1961," and in paragraph (b), for the words from "that in subsection (2)" to the end of the paragraph there shall be substituted the words "specified in subsections (4) and (5) of section eighteen of the Legal Aid and Advice Act, 1949;".

In section thirty-eight, in subsection (4), for the words "the Second Schedule to this Act" there shall be substituted the words "section forty-five of the Prison Act, 1952".

In section thirty-nine, in subsection (2), for the words "in pursuance of section eight of the Penal Servitude Act, 1891" there shall be substituted the words "under or by virtue of any enactment in that behalf in force in any part of the United Kingdom (including an enactment of the Parliament of Northern Ireland)".

*Enactment**Amendment*

4TH SCH.

The Criminal Justice Act, 1948. 11 & 12 Geo. 6. c. 58—*cont.*

In section forty-eight, in subsection (2), for the word "twelve" there shall be substituted the word "ten".

In section fifty-two, subsection (2) shall cease to have effect.

In section seventy-two, in subsection (1), for the words "in whose case an approved school order has been made" there shall be substituted the words "who has been ordered to be sent to an approved school", after the word "original" there shall be inserted the words "approved school or other" and for the words "sixteen years" there shall be substituted the words "fifteen years"; and in subsection (2), after the word "school", where it first occurs, there shall be inserted the words "or other", and for the words "seventy-three and seventy-four" there shall be substituted the words "and seventy-three".

In section eighty, in subsection (1), in the definition of "Sentence", after the word "1933" there shall be inserted the words "or section five of the Criminal Justice Act, 1961", and after that definition there shall be inserted the following definition:—

"The statutory restrictions upon the imprisonment of young offenders' has the same meaning as in the Criminal Justice Act, 1961";

and in subsection (4), for the words "this Act or section one hundred and seven of the Magistrates' Courts Act, 1952" there shall be substituted the words "any enactment".

The Prison Act, 1952. 15 & 16 Geo. 6 & 1 Eliz. 2. c. 52.

In section thirteen, at the end of subsection (2) there shall be added the words "and while he is being taken to any place to which he is required or authorised by or under this Act to be taken, or is kept in custody in pursuance of any such requirement or authorisation".

In section twenty-five, in subsection (2) after the word "sentence", in the second place where it occurs, there shall be inserted the words "and is not a person to whom section twenty of the Criminal Justice Act, 1961, applies"; in subsection (3) at the end there

4TH SCH.

Enactment

The Prison Act, 1952.
15 & 16 Geo. 6 &
1 Eliz. 2. c. 52—
cont.

Amendment

shall be inserted the words “ or order that a person who is under supervision as aforesaid shall cease to be under supervision.”; and for subsection (7) there shall be substituted the following subsection:—

“(7) A person who is committed to prison in default of payment of a sum adjudged to be paid by a conviction shall be treated for the purposes of subsection (1) of this section, but not for the purpose of subsection (2) thereof, as undergoing a sentence of imprisonment for the term for which he is committed, and consecutive terms of imprisonment shall be treated for all the purposes of this section as one term.”

In section thirty-nine for the words “ two years ” there shall be substituted the words “ five years ”.

In section forty-three, in subsection (1), in paragraph (b), after the words “ the Criminal Justice Act, 1948 ” there shall be inserted the words “ or the Criminal Justice Act, 1961,” and in paragraph (c), for the word “ sixteen ” there shall be substituted the word “ fifteen ”.

In section forty-four, in subsection (1), for the words “ three years ”, in both places where those words occur, there shall be substituted the words “ two years ”; and in subsection (2), after the word “ Act ” there shall be inserted the words “ and of the Criminal Justice Act, 1961”.

In section forty-five, in subsection (2), for the words “ three years ” there shall be substituted the words “ two years ” and for the words “ nine months ” there shall be substituted the words “ six months ”; in subsection (3), for the words “ four years from the date of his sentence ” there shall be substituted the words “ two years from the date of his release ”; in subsection (4), for the words “ four years from the date of his sentence ” (where they first occur) there shall be substituted the words “ two years from the date of his release ”, and for the words “ three years ” there shall be substituted the words “ two years ”; in the proviso to subsection (4), in paragraph (a), for the words “ four years from the date of the sentence ” there shall be substituted the words “ two years from the date of his release ”, and in paragraph (b), for the

Enactment

The Prison Act, 1952.
15 & 16 Geo. 6 &
1 Eliz. 2 c. 52—
cont.

Amendment

4TH SCH.

words "and the preceding" to the end of the paragraph there shall be substituted the words "and the provisions of subsection (3) of this section and the preceding provisions of this subsection shall apply on his release under this paragraph as they apply in the case of his original release, except that the references to the period of two years from the date of his release shall be construed as references to the period of two years from the date of his original release."; and in subsection (5), after the words "as aforesaid" there shall be inserted the words "or after being ordered to be returned to a borstal institution under section twelve of the Criminal Justice Act, 1961".

In section forty-seven, in subsection (5), for the words from "serving" to the end of the subsection there shall be substituted the words "detained in a prison, borstal institution, or detention centre, not being persons committed in custody for trial at assizes or quarter sessions or committed to be sentenced or otherwise dealt with by quarter sessions or remanded in custody by any court".

In section forty-nine, in subsection (2), in paragraph (a) after the word "court" there shall be inserted the words "in the United Kingdom".

In section fifty-five, in subsection (4), for the words "the Second Schedule to this Act" there shall be substituted the words "the Criminal Justice Act, 1961".

The Magistrates' Courts Act, 1952.
15 & 16 Geo. 6 &
1 Eliz. 2 c. 55.

In section twenty, in subsection (5), for the words "ten pounds" there shall be substituted the words "fifty pounds".

In section twenty-eight, in subsection (1), for the word "sixteen" there shall be substituted the word "fifteen", and for the words from "and the court" to "Borstal institution" there shall be substituted the words "and is a person who, under subsections (2) and (4) of section one of the Criminal Justice Act, 1961, may be committed for a sentence of borstal training".

In section thirty-two, for the words "forty shillings" there shall be substituted the words "ten pounds".

4TH SCH.

| <i>Enactment</i> | <i>Amendment</i> |
|---|---|
| The Magistrates' Courts Act, 1952. 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55. —cont. | In section fifty-four, in subsection (3), in paragraph (b), for the words " until he has " there shall be substituted the words " for a specified period or until he has sooner ". In section one hundred and twenty-six, in subsection (1), in the definition of " Fine ", after the word " " Fine " " there shall be inserted the words " , except for the purposes of any enactment imposing a limit on the amount of any fine, " . |
| The Prisons (Scotland) Act, 1952. 15 & 16 Geo. 6 & 1 Eliz. 2. c. 61. | In section thirty-seven, in the proviso to subsection (2), after the word " court " there shall be inserted the words " in the United Kingdom " . |
| The Criminal Justice Act (Northern Ireland), 1953, c. 14. | In section fourteen, in subsection (2), for the words from " in pursuance " to " 1953 " there shall be substituted the words " under or by virtue of any enactment in that behalf in force in any part of the United Kingdom (including an enactment of the Parliament of Northern Ireland) " . |
| The Prison Act (Northern Ireland), 1953. c. 18. | In section thirty-eight, in subsection (3), after the word " court " there shall be inserted the words " in the United Kingdom " . |
| The Naval Discipline Act, 1957. 5 & 6 Eliz. 2. c. 53. | In section eighty-four, in subsection (5), for the words " or the Prison Act (Northern Ireland), 1953 " there shall be substituted the words " the Prison Act (Northern Ireland) 1953, or the Criminal Justice Act, 1961 " . |
| The Mental Health Act, 1959. 7 & 8 Eliz. 2. c. 72. | In section seventy-three, in paragraph (a) of subsection (2), after the word " sessions " there shall be added the words " or committed in custody to assizes or quarter sessions under section six or section eight of the Criminal Justice Act, 1948 " . In section seventy-nine, in subsection (1), the words " child or young ", in both places where they occur, shall be omitted. |

Section 41.

FIFTH SCHEDULE
ENACTMENTS REPEALED

| Session and Chapter | Short Title | Extent of Repeal |
|------------------------|---|---|
| 23 & 24 Geo. 5. c. 12. | The Children and Young Persons Act, 1933. | Section seventy-four. In section eighty-two, in subsection (1), in paragraph (b), the words " or upon the revocation of his licence " . In section eighty-seven, in subsection (3), the words " on licence or " . |

5TH SCHEDULE

| Session and Chapter | Short Title | Extent of Repeal |
|--|--|--|
| 23 & 24 Geo. 5. c. 12— <i>cont.</i> | The Children and Young Persons Act, 1933— <i>cont.</i> | In section eighty-eight, in subsection (4), in paragraph (b), the words "or on licence". In the Fourth Schedule, paragraph 6; and, in paragraph 12, the words "on licence or" in both places where they occur. |
| 11 & 12 Geo. 6. c. 43. | The Children Act, 1948... | In section six, in subsection (4), the words "paragraph 6 of the Fourth Schedule to the said Act of 1933, or". |
| 11 & 12 Geo. 6. c. 58. | The Criminal Justice Act, 1948. | Section eighteen. In section nineteen, in subsection (1), the words "not exceeding twelve in the aggregate". In section twenty, subsections (7) and (8). Section twenty-two. In section twenty-three, in subsection (1), the words "or to be ordered to be subject to the provisions of the last foregoing section". In section thirty-eight, in subsection (4), the words from "and nothing" to the end of the subsection. In section fifty-two, subsection (2). In section seventy-two, in subsection (2), the words "and to supervision and recall". |
| 15 & 16 Geo. 6 & 1 Eliz. 2. c. 52. | The Prison Act, 1952 ... | In section twenty-two, paragraph (a) of subsection (2). In section twenty-four, subsection (2). Section twenty-nine. Section forty-eight. In section forty-nine, in subsection (2), the words from "and (c) nothing" to the end of the subsection. In section fifty-five, in subsection (3), the words from "subsections (1), (3)" to the words "Second Schedule" and the words from "and subsection (1) of the said section" to the end of the subsection. The First and Second Schedules. In the Third Schedule, the amendment of the Criminal Justice Act, 1948. |

N*

5TH SCH.

| Session and Chapter | Short Title | Extent of Repeal |
|--|--|---|
| 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55. | The Magistrates' Courts Act, 1952. | In section twenty-eight, subsections (2) and (3); and in subsection (4) the words "or remanded under subsection (2)", and the words from "Provided that" to the end of the section. In section one hundred and seven, subsections (4) to (6). In the Fifth Schedule, the amendments of section fifty-four of the Children and Young Persons Act, 1933, and sections eighteen and nineteen and subsection (4) of section eighty of the Criminal Justice Act, 1948. |
| 15 & 16 Geo. 6 & 1 Eliz. 2. c. 61. | The Prisons (Scotland) Act, 1952. | In section ten, paragraph (a) of subsection (2). Section thirty-six. In section thirty-seven, in subsection (1), the words "in any part of Great Britain". The Second Schedule. |
| 8 & 9 Eliz. 2. c. 65. | The Administration of Justice Act, 1960. | In section six, in subsection (2) the words from "and nothing" to the end of the subsection. |

Section 41.

SIXTH SCHEDULE

ENACTMENTS RELATING TO BORSTAL TRAINING AS THEY WILL HAVE EFFECT, SUBJECT TO S. 41 (3) OF THIS ACT AND TO S. 18 (6) OF THE LEGAL AID AND ADVICE ACT, 1949, WHEN ALL AMENDMENTS MADE IN THEM BY THIS ACT OPERATE

CRIMINAL JUSTICE ACT, 1948, s. 20

Borstal training. 20.—(1) Where a person is convicted on indictment of an offence punishable with imprisonment, then if on the day of his conviction he is not less than fifteen but under twenty-one years of age and a sentence of borstal training is available in his case under subsection (2) of section one of the Criminal Justice Act, 1961, the court may, in lieu of any other sentence, pass a sentence of borstal training.

(4) An offender committed by a court of summary jurisdiction to quarter sessions for sentence under subsection (1) of section

twenty-eight of the Magistrates' Courts Act, 1952, shall be committed— 6TH SCH.

- (a) where the court of summary jurisdiction acts for a county other than the County of London or for a borough not having a separate court of quarter sessions, to the appeal committee of the quarter sessions for that county or for the county in which that borough is situated, as the case may be ;
- (b) in any other case, to the next court of quarter sessions having jurisdiction in the county, borough or place for which the court of summary jurisdiction acts ;

and where the offender is so committed to an appeal committee, the clerk to the court of summary jurisdiction shall notify the clerk of the peace, and the clerk of the peace shall give notice to the prosecutor and to the governor of the remand centre or prison to which the offender is committed of the date on which the case will be dealt with by the appeal committee, being the next available sitting of a court consisting of members of that committee.

(5) Where an offender is so committed for sentence as aforesaid, the following provisions shall have effect, that is to say :—

- (a) the appeal committee or court of quarter sessions shall inquire into the circumstances of the case and may—
 - (i) if a sentence of borstal training is available in his case under subsection (2) of section one of the Criminal Justice Act, 1961, sentence him to borstal training ; or
 - (ii) in any case, deal with him in any manner in which the court of summary jurisdiction might have dealt with him ;
- (b) 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 ;
- (d) if the appeal committee or court of quarter sessions passes a sentence of borstal training, the offender may appeal against the sentence to the Court of Criminal Appeal as if he had been convicted on indictment, and the provisions of the Criminal Appeal Act, 1907, shall apply accordingly.

(6) References to a court of quarter sessions or a court in any enactment as applied by the last foregoing subsection, or in any other enactment relating to persons dealt with by quarter sessions (including any such enactment contained in this Act) shall be construed as including references to an appeal committee of quarter sessions by whom an offender is dealt with under that subsection.

6TH SCH.

MAGISTRATES' COURTS ACT, 1952, s. 28

Committal to quarter sessions with a view to a borstal sentence.

28.—(1) Where a person is convicted by a magistrates' court of an offence punishable on summary conviction with imprisonment, then, if on the day of the conviction he is not less than fifteen but under twenty-one years old and is a person who, under subsections (2) and (4) of section one of the Criminal Justice Act, 1961, may be committed for a sentence of borstal training, the court may commit him in custody to quarter sessions for sentence in accordance with the provisions of section twenty of the Criminal Justice Act, 1948.

(4) A person committed under subsection (1) of this section shall be committed—

- (a) if the court has been notified by the Secretary of State that a remand centre is available for the reception, from that court, of persons of the class or description of the person committed, to a remand centre ;
- (b) if the court has not been so notified, to a prison.

PRISON ACT, 1952, s. 45

Release of persons sentenced to borstal training.

45.—(1) A person sentenced to borstal training shall be detained in a borstal institution, and after his release therefrom shall be subject to supervision, in accordance with the following provisions of this section ; subject, however, to the power of the Secretary of State under subsection (2) of the last preceding section to commute in certain cases the unexpired part of the term for which a person is liable to be so detained to a term of imprisonment.

(2) A person sentenced to borstal training shall be detained in a borstal institution for such period, not extending beyond two years after the date of his sentence, as the Prison Commissioners may determine, and shall then be released :

Provided that the Prison Commissioners shall not release any such person from a borstal institution before the expiration of six months from the date of his sentence unless required to do so by directions of the Secretary of State.

(3) A person shall, after his release from a borstal institution and until the expiration of two years from the date of his release, be under the supervision of such society or person as may be specified in a notice to be given to him by the Prison Commissioners on his release, and shall, while under that supervision, comply with such requirements as may be so specified :

Provided that the Prison Commissioners may at any time modify or cancel any of the said requirements or order that a person who is under supervision as aforesaid shall cease to be under supervision.

(4) If before the expiration of two years from the date of his release the Prison Commissioners are satisfied that a person who is under supervision after his release from a borstal institution under subsection (2) of this section has failed to comply with any requirement for the time being specified in the notice given to him under subsection (3) of this section, they may by order recall him

to a borstal institution; and thereupon he shall be liable to be detained in the borstal institution until the expiration of two years from the date of his sentence, or the expiration of six months from the date of his being taken into custody under the order, whichever is the later, and, if at large, shall be deemed to be unlawfully at large:

Provided that—

- (a) any such order shall, at the expiration of two years from the date of his release, cease to have effect unless the person to whom it relates is then in custody thereunder; and
- (b) the Prison Commissioners may at any time release a person who is detained in a borstal institution under this subsection; and the provisions of subsection (3) of this section and the preceding provisions of this subsection shall apply on his release under this paragraph as they apply in the case of his original release, except that the references to the period of two years from the date of his release shall be construed as references to the period of two years from the date of his original release.

(5) If any person while under supervision, or after his recall to a borstal institution, as aforesaid, or after being ordered to be returned to a borstal institution under section twelve of the Criminal Justice Act, 1961, is sentenced by a court in any part of Great Britain to corrective training or borstal training, his original sentence of borstal training shall cease to have effect.

(6) The Prison Commissioners in exercising their functions under this section shall consider any report made to them by a board of visitors on the advisability of releasing a person from a borstal institution.

Table of Statutes referred to in this Act

| Short Title | Session and Chapter |
|---|--|
| Petty Sessions (Ireland) Act, 1851 | 14 & 15 Vict. c. 93. |
| Forfeiture Act, 1870 | 33 & 34 Vict. c. 23. |
| Bank Holidays Act, 1871 | 34 & 35 Vict. c. 17. |
| Colonial Prisoners Removal Act, 1884 | 47 & 48 Vict. c. 31. |
| Penal Servitude Act, 1891 | 54 & 55 Vict. c. 69. |
| Criminal Appeal Act, 1907 | 7 Edw. 7. c. 23. |
| Government of Ireland Act, 1920 | 10 & 11 Geo. 5. c. 67. |
| Poor Prisoners Defence Act, 1930 | 20 & 21 Geo. 5. c. 32. |
| Children and Young Persons Act, 1933 | 23 & 24 Geo. 5. c. 12. |
| Criminal Justice Act, 1948 | 11 & 12 Geo. 6. c. 58. |
| Legal Aid and Advice Act, 1949 | 12, 13 & 14 Geo. 6. c. 51. |
| 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. |
| Prisons (Scotland) Act, 1952 | 15 & 16 Geo. 6. & 1 Eliz. 2. c. 61. |
| Army Act, 1955 | 3 & 4 Eliz. 2. c. 18. |
| Air Force Act, 1955 | 3 & 4 Eliz. 2. c. 19. |
| Naval Discipline Act, 1957 | 5 & 6 Eliz. 2. c. 53. |

CHAPTER 40*Consumer Protection Act, 1961*

ARRANGEMENT OF SECTIONS

Section

1. Safety requirements and instructions.
2. Prohibition on sale, etc. of goods not complying with regulations under s. 1.
3. Enforcement of s. 2.
4. Expenses.
5. Interpretation.
6. Repeals and transitional provisions.
7. Short title, commencement and extent.

SCHEDULE—Provisions as to Inspection, Testing and Enforcement by Local Authorities.

An Act to make provision for the protection of consumers.
[19th July, 1961]

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

Safety requirements and instructions.

1.—(1) The Secretary of State may by regulations impose as respects any prescribed class of goods—

- (a) any such requirements, whether as to the composition or contents, design, construction, finish or packing of, or otherwise relating to, goods of that class or any component part thereof, as are in his opinion expedient to prevent or reduce risk of death or personal injury ;
- (b) any such requirements for securing that goods of that class or any component part thereof are in the prescribed manner marked with or accompanied by any prescribed warning or instructions, or any prescribed form of warning or instructions, which in the opinion of the Secretary of State is or are expedient as aforesaid.

(2) Requirements may be imposed under this section either as respects all goods of a prescribed class or as respects any prescribed description of such goods, and either generally or in prescribed circumstances, and regulations under this section may make different provision for different cases.

(3) Regulations under this section may provide that the Schedule to this Act shall have effect in relation to goods of any class prescribed under this section, or to such goods and to goods of which such goods are a component part.

(4) A class or description of goods may be prescribed under this section notwithstanding that the goods are for use only as component parts of other goods (whether or not those other goods are goods of a prescribed class or description).

(5) It shall be the duty of the Secretary of State, before making any regulations under this section, to consult with such persons or bodies of persons as appear to him requisite.

(6) The 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.

2.—(1) Subject to the provisions of this section, no person shall sell, or have in his possession for the purpose of selling, any goods as respects which or a component part of which any requirements of regulations under the foregoing section are in force unless all requirements of the regulations relating to the goods or component part are complied with.

Prohibition on sale, etc. of goods not complying with regulations under s. 1.

(2) Subject to the provisions of this section, no person shall sell, or have in his possession for the purpose of selling, a component part intended for, but not embodied in, any goods as respects which any requirements of regulations under the foregoing section are in force, being a component part such that if it were embodied in the goods any requirement of the regulations applicable to the goods would be contravened or not complied with.

(3) The foregoing provisions of this section shall not apply to a person—

- (a) where he is selling, or as the case may be is in possession, otherwise than in the course of a business, or is acting as agent, or as the servant of the agent, of a person who was not acting in the course of a business in entrusting the goods to an agent ; or
- (b) where he reasonably believes that the goods or component parts will not be used in Great Britain ; or
- (c) in the case of a sale under a credit-sale agreement, if he has at no time had possession of the goods or component parts and only became the owner thereof at the time of entering into the agreement ; or
- (d) where he is selling, or as the case may be is in possession for the purpose of selling, the goods or component parts as scrap, that is to say for the value of the materials of which the goods or parts are composed and not for use as finished articles ; or
- (e) in the case of goods or component parts which have been damaged by, or in consequence of, fire or flooding, where he is selling, or as the case may be is

in possession for the purpose of selling, the goods or component parts to a person who carries on a business of buying damaged goods and repairing or reconditioning them for resale, or to a person by whom the goods or parts were insured against damage.

(4) As respects any requirement relating to the manufacture of goods or a component part of goods, unless regulations under the foregoing section otherwise provide, subsections (1) and (2) of this section shall not apply in relation to goods or component parts manufactured before the imposition of the requirement, or if it is so provided by such regulations shall not apply in relation to such goods or component parts until a prescribed date.

(5) Regulations under the foregoing section may contain such other exemptions from the operation of subsections (1) and (2) of this section, applicable in such cases as may be prescribed, as appear to the Secretary of State necessary or expedient.

(6) If as respects goods of any class or description regulations under the foregoing section so provide, subsections (1) to (3) of this section (other than paragraphs (d) and (e) of subsection (3)) shall apply in relation to goods of that class or description as if references to selling or to a sale included references to letting under a hire-purchase agreement or on hire, and the reference to a sale under a credit-sale agreement were a reference to letting under a hire-purchase agreement: -

Provided that subsections (1) and (2) of this section shall not apply—

- (a) in a case of letting on hire, where the letting is incidental to the letting of premises;
- (b) in a case of possession for the purpose of letting on hire, where possession is for the purpose of a letting which is to be incidental to the letting of premises;
- (c) in any case of letting, where the letting was lawful at the time when it began.

Enforcement
of s. 2.

3.—(1) Any obligation imposed by or by virtue of the foregoing section on any person not to sell, let or have possession of any goods or component part is a duty which is owed by him to any other person who may be affected by the contravention of or non-compliance with the requirement in question, and a breach of that duty is actionable (subject to the defences and other incidents applying to actions for breach of statutory duty).

(2) Any person who contravenes the foregoing section shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds, or in the case of a second or subsequent offence to a fine not exceeding two hundred and fifty pounds or to imprisonment for a term not exceeding three months or to both:

Provided that a person shall not be convicted of an offence under this section by reason of a contravention of or failure to comply with any requirement imposed under section one of this Act in relation to the goods or component part in question if he proves that he had reasonable cause to believe that all such requirements were satisfied.

(3) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary, or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of the offence.

In this subsection the expression "director", in relation to any body corporate which is established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking and whose affairs are managed by its members, means a member of that body.

4. There shall be defrayed out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of moneys so provided by way of Rate-deficiency Grant or Exchequer Equalisation Grant under the enactments relating to local government in England and Wales or in Scotland. Expenses.

5. In this Act the following expressions have the following meanings:— Interpretation.

"Act of 1932" means the Hire Purchase and Small Debt (Scotland) Act, 1932, as amended by the Hire-Purchase Act, 1954;

"component part" includes an accessory;

"credit-sale agreement" means an agreement for the sale of goods under which the whole or part of the purchase price is payable by instalments, except that, as respects Scotland, it does not include an agreement to sell under a contract to which the Act of 1932 applies;

"hire-purchase agreement", as respects England and Wales, has the same meaning as in the Hire-Purchase Act, 1938, and, as respects Scotland, means a contract to which the Act of 1932 applies; and, as respects Scotland, references to letting under a hire-purchase agreement and to a hirer under such a letting shall include references to an agreement to sell under such a contract as aforesaid and to a purchaser under such an agreement respectively;

“personal injury” includes disease or disability;

“prescribed” means prescribed by regulations under section one of this Act.

Repeals and transitional provisions.

6.—(1) Subject to the following provisions of this section, the Heating Appliances (Fireguards) Act, 1952, and the Oil Burners (Standards) Act, 1960, shall cease to have effect.

(2) In relation to goods of the following classes, that is to say gas fires, electric fires, oil heaters and component parts of oil heaters, this Act shall apply as if—

(a) any regulations made under the said Act of 1952 or the said Act of 1960 and in force at the commencement of this Act had been made under section one of this Act, and

(b) references in any such regulations to either of those Acts or any provision of those Acts were references to this Act or the corresponding provision thereof,

and any such regulations may be varied or revoked accordingly.

(3) Unless, and except in so far as, regulations under section one of this Act otherwise provide,—

(a) subsections (1) to (3) of section two of this Act shall apply in relation to goods of the said classes subject to the extensions specified in subsection (6) of that section, but without prejudice to the proviso to the said subsection (6);

(b) the Schedule to this Act shall have effect in relation to goods of those classes, but as if paragraph 7 provided that “local authority” should mean as respects England and Wales the council of a county borough, county district or metropolitan borough, or the Common Council of the City of London, and as respects Scotland a county or town council.

Short title, commencement and extent.

7.—(1) This Act may be cited as the Consumer Protection Act, 1961.

(2) This Act shall come into operation on 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.

SCHEDULE

Sections 1 and 6.

PROVISIONS AS TO INSPECTION, TESTING AND ENFORCEMENT BY LOCAL AUTHORITIES

1.—(1) Subject to the provisions of this Schedule, an officer of a local authority authorised by them in writing in that behalf may, on producing if so required his authority, inspect any goods in relation to which this Schedule has effect for the purpose of determining—

- (a) whether the goods or any component part thereof are goods to which any prescribed requirements apply, and
- (b) if so, whether those requirements are complied with.

(2) Subject to the provisions of this Schedule, an officer of a local authority authorised by them in writing in that behalf may, on producing if so required his authority, inspect a component part intended for but not embodied in any goods in relation to which this Schedule has effect, for the purpose of determining—

- (a) whether it is one to which any prescribed requirements apply and if so whether those requirements are complied with, or
- (b) whether it is one which it is requisite to inspect in order to determine whether any prescribed requirements applying to goods comprising it would be complied with when it was embodied in the goods, and if so whether those requirements would then be complied with.

2. A local authority may, subject to the provisions of this Schedule, purchase any goods for the purpose of carrying out a test to determine whether any prescribed requirements applicable to the goods or a component part thereof are complied with, or in the case of goods being a component part whether any prescribed requirements applicable to goods comprising it would be complied with when the part was embodied in the goods.

3. Regulations under section one of this Act may provide that in such cases as may be prescribed any test such as is referred to in the foregoing paragraph shall be carried out, at the expense of the local authority, by such person or body as may be authorised by or under the regulations to carry out the test, and may prescribe the manner in which any such test as is referred to in the foregoing paragraph is to be carried out.

4. An officer of a local authority shall not by virtue of paragraph 1 of this Schedule inspect any goods or component part, and a local authority shall not by virtue of paragraph 2 of this Schedule purchase any goods or component part, unless the goods or component part are kept in the area of the authority for the purpose of being sold or let in the course of a business.

5.—(1) Any person who wilfully obstructs any person in the exercise of his powers under paragraph 1 of this Schedule shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(2) Subsection (3) of section three of this Act shall apply in relation to an offence under this paragraph as it applies in relation to an offence under that section.

6. A local authority in England or Wales may institute proceedings for an offence under this Act committed in the area of the authority.

7. In this Schedule "local authority" as respects England and Wales means such of the following authorities, that is to say the councils of counties, county boroughs, county districts and metropolitan boroughs and the Common Council of the City of London as may be provided (either generally or for specified descriptions of areas) by regulations under section one of this Act relating to the goods in question, and as respects Scotland means a county or town council as may be so provided.

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Table of Statutes referred to in this Act

| Short Title | Session and Chapter |
|--|-------------------------------------|
| Hire Purchase and Small Debt (Scotland) Act, 1932. | 22 & 23 Geo. 5. c. 38. |
| Hire Purchase Act, 1938 | 1 & 2 Geo. 6. c. 53. |
| Heating Appliances (Fireguards) Act, 1952 ... | 15 & 16 Geo. 6. & 1 Eliz. 2. c. 42. |
| Hire Purchase Act, 1954 | 2 & 3 Eliz. 2. c. 51. |
| Oil Burners (Standards) Act, 1960 | 8 & 9 Eliz. 2. c. 53. |

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**CHAPTER 41**

*Flood Prevention (Scotland) Act, 1961*

ARRANGEMENT OF SECTIONS

*Flood Prevention Operations*

Section

1. Purposes for which powers of local authorities under Act are exercisable.
2. Powers of local authorities.
3. Supplementary provisions as to powers of local authorities.
4. Flood prevention schemes.
5. Combinations of local authorities.

*Prevention of obstruction of watercourses, etc.*

6. Byelaws.

*Supplementary*

7. Acquisition of land.
8. Powers of entry on land.



## Section

9. Provision and obtaining of information.
10. Unjustified disclosure of information.
11. Compensation.
12. Contributions to and by local authorities.
13. Financial provisions.
14. Crown rights.
15. Interpretation.
16. Short title, commencement and extent.

## SCHEDULES:

First Schedule—Provisions which may be incorporated in flood prevention schemes.

Second Schedule—Provisions as to confirmation, coming into operation and validity of flood prevention schemes.

— — — — —

An Act to enable the councils of counties and burghs in Scotland to take measures for the prevention or mitigation of flooding of non-agricultural land in their areas; and for purposes connected with the matter aforesaid.  
[19th July, 1961]

**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:—

*Flood Prevention Operations*

1.—(1) For the purpose of preventing or mitigating the flooding of land in their area, not being agricultural land, any council to whom this section applies may, so far as they think fit and subject to the provisions of this Act, exercise all or any of the powers specified in subsection (1) of the next following section.

Purposes for which powers of local authorities under Act are exercisable.

(2) This section applies to all town councils and county councils; and in this Act any reference to a local authority is a reference to a council to whom this section applies, and "area" in relation to a local authority means, in the case of a town council, the burgh and, in the case of a county council, the county exclusive of any burgh situated therein.

2.—(1) The powers referred to in subsection (1) of the foregoing section are powers to carry out operations of the following descriptions—

Powers of local authorities.

- (a) the cleansing, repairing and otherwise maintaining in a due state of efficiency of—
  - (i) any watercourse;
  - (ii) any barrier, embankment or other work for defence against flooding;
  - (iii) any apparatus ancillary to any such work or to any watercourse;

- (b) the management or operation of any work or apparatus mentioned in the foregoing paragraph ;
  - (c) the improvement, alteration or reinstatement of any watercourse or of any work or apparatus mentioned in paragraph (a) of this subsection ;
  - (d) the removal of any work or apparatus mentioned in the said paragraph (a) ;
  - (e) the construction or provision of any new watercourse or any new work or apparatus mentioned in the said paragraph (a) ;
  - (f) the reinstatement of land damaged by operations carried out by virtue of this Act, and the execution of works for the protection of land against damage likely to be caused by such operations.
- (2) In this Act the expression “ watercourse ” includes—
- (a) the bed and banks of any river, stream or burn (whether for the time being carrying water or not), and
  - (b) any ditch, drain, cut, canal, culvert, sluice or passage carrying or designed to carry water, together with the walls, pipes or other works containing or intended to contain the same,

except that it does not include any sewer or water-main ; and in the foregoing subsection “ cleansing ” in relation to a watercourse means the removal from the watercourse of mud, silt, debris or other obstructive matter in the ordinary course of good maintenance.

(3) References in this Act to flood prevention operations are references to operations of any of the descriptions set out in subsection (1) of this section, and references in this Act to maintenance and management operations are references to operations of any of the descriptions set out in paragraphs (a) and (b) of that subsection.

Supplementary provisions as to powers of local authorities.

**3.—**(1) The powers conferred on a local authority by the two foregoing sections shall, subject to the provisions of this Act, be exercisable—

- (a) as well on land outwith the area of the local authority as on land within that area ;
  - (b) notwithstanding that an incidental result of the exercise is that flooding of land other than such land as is specified in subsection (1) of section one of this Act is prevented or mitigated.
- (2) In relation to a watercourse—
- (a) the power to carry out operations of the description specified in paragraph (a) of subsection (1) of the last foregoing section shall (without prejudice to the generality of that paragraph) include power to carry

away, and where the watercourse is an open watercourse to deposit on the banks thereof, any mud, gravel or other material removed from the watercourse in the maintenance thereof, and to cut and lay aside or remove any bush or scrub timber growing on the banks of the watercourse ; and

- (b) the power to carry out operations of the description specified in paragraph (c) of the said subsection (1) shall (without prejudice to the generality of that paragraph) include power to remove any dam or other work situated, or any tree growing, in, on, over or under the watercourse.

(3) Nothing in the foregoing provisions of this Act shall authorise the carrying out of any operations by a local authority in contravention of any enactment, and in particular in contravention of—

- (a) the Ancient Monuments Acts, 1913 to 1953, or of section twenty-seven of the Town and Country Planning (Scotland) Act, 1947 (which relates to building preservation orders) or section twenty-eight of that Act (which relates to buildings of special architectural or historic interest) ;
- (b) section thirty-four of the Coast Protection Act, 1949 (which provides for the restriction of works detrimental to navigation) ;
- (c) section twenty-two of the Rivers (Prevention of Pollution) (Scotland) Act, 1951 (which prohibits the use of streams for the disposal of polluting matter, etc.) or section twenty-four of that Act (which, among other things, relates to circumstances in which cut vegetation may not be allowed to remain in a stream) ; or
- (d) any enactment prohibiting the carrying out of development not authorised by planning permission granted or deemed to have been granted under Part II of the Town and Country Planning (Scotland) Act, 1947.

(4) Nothing in the foregoing provisions of this Act relating to maintenance and management operations shall authorise the carrying out by a local authority of any such operations so as to affect injuriously any works or property belonging to, or the carrying on of their statutory undertaking by, any statutory undertakers, except with the consent in writing of the statutory undertakers :

Provided that consent for the purposes of this subsection shall not be required if it is withheld unreasonably, and any question whether any such consent has been withheld unreasonably shall be referred to and determined by the Secretary of State.

Flood  
prevention  
schemes.

4.—(1) No flood prevention operations other than maintenance and management operations shall be carried out by or on behalf of a local authority by virtue of the powers conferred on them by the foregoing provisions of this Act otherwise than in accordance with a scheme (in this Act referred to as a “flood prevention scheme”) made by the local authority, and confirmed by the Secretary of State, under this section.

(2) A flood prevention scheme shall describe, by reference to maps, plans and specifications, the flood prevention operations proposed to be carried out and the land which would be affected by them; shall include an estimate of the cost of those operations; and shall specify any land on which the local authority require to enter (whether temporarily or otherwise) for the purposes of carrying out the operations; and, where in connection with any such operations it is intended that operations for the diversion of a sewer or a watermain shall be carried out by a sewerage or water authority (whether a different authority from the local authority or not), the scheme shall also specify those last-mentioned operations.

(3) For the purpose of providing for powers of entry on land to carry out flood prevention operations, for penalising persons who obstruct the carrying out of such operations and for the other matters mentioned in the First Schedule to this Act, a flood prevention scheme may incorporate (subject to such modifications, if any, as may be specified in the scheme) all or any of the provisions set out in that Schedule, and any of those provisions so incorporated shall have effect for the purposes of the operations to which the scheme relates:

Provided that, in relation to any provision of the said Schedule so incorporated, a flood prevention scheme shall not specify as aforesaid any modification which increases any penalty or places any person other than the local authority making the scheme in a worse position than he would be in if the provision were incorporated in the scheme without modification.

(4) A local authority, before making a flood prevention scheme relating to operations on land in the area of another local authority, shall consult with that other local authority.

(5) The provisions of the Second Schedule to this Act shall have effect with regard to the confirmation, coming into operation and validity of a flood prevention scheme.

Combinations  
of local  
authorities.

5.—(1) In exercising their powers under this Act a local authority may combine with any other local authority, or with two or more other local authorities, for the purpose of carrying out any flood prevention operations intended to benefit land in their area along with land in the other area or areas concerned, and that on such terms and conditions as may be agreed between the local authorities.

(2) Subsections (2) to (4) of section one hundred and nineteen of the Local Government (Scotland) Act, 1947 (which relates to voluntary combinations of local authorities) shall apply in relation to any such combination as is mentioned in the foregoing subsection as they apply in relation to the combinations mentioned in subsection (1) of the said section one hundred and nineteen, and in the said subsections (2) to (4) as so applying any reference to a function of a local authority shall be construed as including a reference to any power or duty of the local authority so far as relating to the flood prevention operations with which the combination is concerned.

(3) In relation to a case where local authorities have combined under this section, any reference in this Act to a local authority shall (unless the context otherwise requires) be construed as including a reference to the combination of local authorities, and "area" shall be construed accordingly.

*Prevention of obstruction of watercourses, etc.*

6.—(1) Subject to the provisions of this section, a local authority may, for the purpose of preventing the obstruction of any particular watercourse in their area so as to be likely to cause the flooding of land, other than agricultural land, whether in their area or not, make byelaws regulating or prohibiting the deposit of rubbish or other material in or near the watercourse. Byelaws.

(2) Any person who contravenes any byelaw made by virtue of the foregoing subsection shall be liable on summary conviction to a fine not exceeding fifty pounds in the case of a first conviction, or one hundred pounds in the case of a second or any subsequent conviction.

(3) The confirming authority in relation to any byelaws made under this section shall be the Secretary of State.

*Supplementary*

7. A local authority may be authorised by the Secretary of State to acquire by compulsory purchase any land (whether in their area or not) which they require for the exercise of their powers under this Act, and the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, shall apply in relation to any such compulsory purchase as if this Act had been in force immediately before the commencement of that Act. Acquisition of land.

8.—(1) Subject to the provisions of this section, any person authorised by a local authority shall, on producing if so required some duly authenticated document showing his authority, have a right at all reasonable hours to enter on any land (whether in the area of the local authority or not)— Powers of entry on land.

(a) for the purpose of determining whether, and if so in what manner, any power conferred on the local authority by this Act is to be exercised, or whether any

provision of this Act or any notice given by the local authority under this Act is being or has been complied with, or

(b) for the purpose of exercising any power conferred on the local authority by this Act, other than a power exercisable in accordance with a flood prevention scheme (but without prejudice to any provisions as to entry incorporated in any such scheme by virtue of this Act).

(2) Admission to any land shall not be demanded as of right under this section unless fourteen days notice of the intended entry has been given to the occupier of the land.

(3) If on application made to him the sheriff is satisfied—

(a) that admission to any land on which any person is entitled to enter under this section has been refused to that person or that refusal is apprehended, or that the land is unoccupied, or that the case is one of urgency, or that an application for admission will defeat the object of the entry,

(b) that there is reasonable ground for entry on the land for the purpose for which entry is required, and

(c) either that notice of the intention to make the application has been given to the occupier or that it is equitable in the circumstances to dispense with such notice,

the sheriff may by warrant under his hand authorise that person to enter on the land; and any warrant so issued shall be expressed to remain in force for such period only as the sheriff, having regard to all the circumstances of the case, shall fix.

(4) If any person wilfully obstructs any other person exercising a right conferred by this section to enter, or do anything, on any land he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds in the case of a first conviction or twenty pounds in the case of a second or any subsequent conviction.

Provision and  
obtaining of  
information.

9.—(1) For the purpose of enabling them to exercise any of their powers under this Act a local authority may require the owner or occupier of any land (whether in their area or not) to state in writing the nature of his own interest in that land and the name and address of any other person known to him as having an interest therein.

(2) If any person fails to comply with a requirement of a local authority under this section, or in answer to any such requirement recklessly makes any statement which is false or misleading in a material particular, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds in the case of a first conviction or twenty pounds in the case of a second or any subsequent conviction.

10. If any person discloses any information relating to any manufacturing process or trade secret used in carrying on any particular undertaking which has been furnished to or obtained by him under this Act or in connection with the execution thereof, he shall, unless the disclosure is made— Unjustified disclosure of information.

(a) with the consent of the person carrying on that undertaking, or

(b) in connection with the execution of this Act, or

(c) for the purposes of any legal proceedings arising out of this Act or of any report of such proceedings,

be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both.

11.—(1) Where on a claim being made under this section it is shown that (after taking into account the effect of any operations that may have been carried out by the local authority under paragraph (f) of subsection (1) of section two of this Act) the value of an interest of any person in land has been depreciated, or that any person has suffered damage by being disturbed in his enjoyment of land, in consequence of the carrying out of any flood prevention operations, the local authority by whom, or on whose behalf, the operations were carried out shall pay to the person whose interest has been depreciated or who has suffered the damage compensation equal to the amount of the depreciation or damage: Compensation.

Provided that a person shall not be entitled to compensation under this subsection unless the act or omission causing the depreciation or disturbance would have been actionable at his instance if it had been done or omitted otherwise than in the exercise of statutory powers.

(2) A claim for compensation under this section shall be made by serving on the local authority a notice in writing stating the grounds of the claim and the amount claimed.

(3) A local authority shall not be required to entertain a claim for compensation under this section unless it has been made before the expiration of two years from the depreciation becoming apparent or, as the case may be, the first occurrence of the disturbance, or ten years from the completion of the flood prevention operations, whichever is the earlier.

(4) Subject to the next following subsection, any question as to the right of a claimant to recover compensation under this section, or as to the amount of the compensation recoverable, shall, in default of agreement, be referred to, and determined by, the Lands Tribunal for Scotland.

(5) Until sections one to three of the Lands Tribunal Act, 1949 (which relate to the establishment of the Lands Tribunal

for Scotland) come into force as respects Scotland the last foregoing subsection shall have effect as if for the reference therein to the said Tribunal there were substituted a reference to an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919; and sections three, five and six of the said Act of 1919 shall apply, subject to any necessary modifications, in relation to the determination of any question under the last foregoing subsection as modified by this subsection.

Contributions  
to and  
by local  
authorities.

**12.**—(1) A local authority may make contributions towards expenditure incurred—

- (a) by any other person in the carrying out of operations which could properly have been carried out by the local authority under this Act, or
- (b) by a sewerage or water authority in carrying out, or paying compensation in respect of, any operations for the diversion of a sewer or, as the case may be, a water main, being operations connected with the improvement or alteration of a watercourse and specified in a flood prevention scheme made by that local authority.

(2) Where a local authority are a sewerage or water authority and as such incur expenditure in carrying out, or paying compensation in respect of, any operations such as are specified in paragraph (b) of the foregoing subsection in relation to a flood prevention scheme made by themselves, they may appropriate to the accounts of their sewerage, or, as the case may be, water, undertaking such sum as they think fit in respect of that expenditure; and any such appropriation shall be deemed to be a contribution under this section towards the expenditure.

(3) A local authority may receive from any other person contributions towards the expenditure by the local authority in exercising their powers under this Act.

Financial  
provisions.

**13.**—(1) In respect of expenditure incurred by a local authority in carrying out flood prevention operations in accordance with a flood prevention scheme, or in the payment in respect thereof of compensation under section eleven of this Act, or in making approved contributions under section twelve of this Act, there shall be paid out of moneys provided by Parliament such sums as the Secretary of State may with the consent of the Treasury direct:

Provided that—

- (i) any payments under this subsection shall be subject to such conditions, and shall be paid at such times, as the Secretary of State may with the consent of the Treasury determine; and
- (ii) no payments shall be made under this subsection in respect of expenditure incurred in the carrying out of any flood prevention operations which are maintenance



and management operations, or in payment of compensation in respect of such operations.

(2) There shall be paid out of moneys provided by Parliament—

- (a) any administrative expenses incurred by the Secretary of State in consequence of the passing of this Act ; and
- (b) any increase attributable to the provisions of this Act in the sums payable under any other enactment out of moneys so provided.

(3) In this section “ approved ”, in relation to any contribution, means approved for the purposes of this section by the Secretary of State.

**14.—**(1) In relation to any Crown land nothing in this Act, Crown rights. or in any scheme made under this Act, shall (except so far as the appropriate authority consents) affect prejudicially any estate, right, power, privilege or exemption of the Crown.

(2) In this section the expression “ Crown land ” means land an interest in which belongs to Her Majesty in right of the Crown, or belongs to a government department or is held in trust for Her Majesty for the purposes of a government department ; and the expression “ appropriate authority ” means—

- (a) in relation to land an interest in which belongs to Her Majesty in right of the Crown, the Crown Estate Commissioners or other government department having the management of that interest ;
- (b) in relation to 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, that department ;

and, if any question arises as to the authority which is the appropriate authority in relation to any such land, the question shall be determined by the Treasury.

**15.—**(1) In this Act, unless the context otherwise requires, Interpretation. the following expressions have the meanings hereby assigned to them respectively—

- “ agricultural land ” has the same meaning as in section eighty-six of the Agriculture (Scotland) Act, 1948, and includes any dwelling-house or other building occupied for the purpose of farming any land ;
- “ burgh ” has the same meaning as in the Local Government (Scotland) Act, 1947 ;
- “ flood prevention operations ” has the meaning assigned to it by section two of this Act ;
- “ interest ”, in relation to any land, includes any estate in or right over the land ;

- “local authority” and “area” in relation to a local authority have (subject to subsection (3) of section five of this Act) the meanings assigned to them by section one of this Act;
- “maintenance and management operations” has the meaning assigned to it by section two of this Act;
- “sewer” means any sewer provided, constructed or maintained under any provision of the Public Health (Scotland) Act, 1897, or of the Burgh Police (Scotland) Acts, 1892 to 1903, or under any corresponding provision of a local enactment;
- “statutory undertakers” and “statutory undertaking” have the same meanings as in the Town and Country Planning (Scotland) Act, 1947;
- “watercourse” has the meaning assigned to it by subsection (2) of section two of this Act;
- “water-main” means any water-main provided, constructed or maintained under any provision of the Water (Scotland) Acts, 1946 and 1949, or any corresponding provision of a local enactment.

(2) References in this Act to the mitigation of flooding shall, except where the context otherwise requires, be construed as including references to the draining of flood water left by flooding.

(3) References in this Act to land shall, except where the context otherwise requires, be construed as including references to salmon fishings.

(4) References in this Act to a watercourse shall, except where the context otherwise requires, be construed as including references to a part of a watercourse.

(5) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended or modified by or under any other enactment.

(6) For the purposes of this Act the service of any notice, scheme or other document on any person, body or association may (without prejudice to any other method of service) be effected by sending it to him, or, in the case of a body or association, to the secretary or other similar officer thereof, by post at his usual or last known residence, place of business or office.

**16.**—(1) This Act may be cited as the Flood Prevention (Scotland) Act, 1961.

(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 extend to Scotland only.

Short title,  
commence-  
ment and  
extent.

## SCHEDULES

Section 4.

## FIRST SCHEDULE

PROVISIONS WHICH MAY BE INCORPORATED IN FLOOD PREVENTION  
SCHEMES*Permissible limits of deviation*

1. In carrying out the operations the local authority may deviate laterally from the lines, and may deviate vertically from the levels, to any extent not exceeding the limits of lateral and vertical deviation respectively shown on the plans referred to in the scheme.

*Temporary works*

2. In addition to carrying out the operations the local authority may, in, on or over any land situated within the limits of lateral deviation shown on the plans and specifications referred to in the scheme, or in, on or over other land so shown as required for the purpose, construct, lay or erect and maintain any temporary works, that is to say, any coffer dams, channels, culverts, engines, pumps, plant, machinery, roads, fences, stores, offices and other buildings, or any other works or things required for the purposes of or connected with the operations:

Provided that any electrical works or apparatus constructed, laid or erected under this paragraph shall be so constructed, laid or erected, and so maintained and used, as to prevent interference with any telegraphic line as defined in the Telegraph Act, 1878, belonging to or used by the Postmaster-General, or with telegraphic communication by means of any such line.

*Powers of entry*

3.—(1) The local authority, or any person duly authorised by them in that behalf, shall, for the purpose of carrying out the operations and of executing any temporary works, have power at all reasonable times to enter on any land situated within the limits of lateral deviation shown on the plans referred to in the scheme, or on other land so shown as required for the purpose, and for the purpose of obtaining access to any such land may enter any land.

(2) Any power of entry under the last foregoing sub-paragraph shall include power to authorise the entry or passage of such persons, vehicles, plant, machinery, supplies or materials as may be necessary, and to authorise the carrying out of work for the purpose of facilitating their passage.

(3) Any person entitled to enter on any land by virtue of any right of entry under this paragraph shall, if so required, produce evidence of his authority before entering on the land, and shall not demand admission as of right unless fourteen days notice of the intended entry has been given to the occupier of the land.

1ST SCH.

*Power to cut bushes and scrub and to take down fences*

4. The local authority may, for the purpose of carrying out the operations or of executing any temporary works, cut and lay aside or remove, or cut and use for the aforesaid purposes, any bush or scrub timber growing on land situated within the limits of lateral deviation shown on the plans referred to in the scheme, or on other land so shown as required for the purpose, and may take down and lay aside any fence on such land, take down any dykes thereon, cut and grub out any hedges thereon and generally clear and level such land and remove any obstructions therefrom.

*Fencing of land, etc.*

5. The local authority shall, so far as is necessary for the protection of any persons or animals, fence any land on which the operations are being carried out or any temporary works are being executed, and shall take such measures as may be practicable to prevent stock from straying in consequence of the exercise by them of any of their powers under the scheme.

*Disposal of spoil*

6. Except as otherwise provided under the scheme the local authority may dispose of excavated spoil, so far as not required for the purpose of carrying out the operations or executing any temporary works, by constructing spoil banks along the natural banks of any watercourse situated within the limits of lateral deviation shown on the plans referred to in the scheme, or within other land so shown as required for the purpose, or by spreading the spoil on the land adjacent to the natural banks of any such watercourse, or by carrying the spoil away for disposal at a tip, or for sale; and the proceeds of any such sale shall be applied by the local authority in defraying their expenditure in carrying out the operations:

Provided that the local authority shall not dispose of spoil under this paragraph unless they have first given to the owner thereof (unless he cannot be found) an opportunity of taking possession of it.

*Penalty for obstructing local authority in exercise of powers*

7. If any person obstructs the local authority in the exercise of any of their powers under the scheme, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds in the case of a first conviction and twenty pounds in the case of a second or any subsequent conviction.

*Interpretation*

8. In any provision of this Schedule, unless the context otherwise requires,—

“the scheme” means the scheme in which the provision is incorporated;

“the operations” means the operations to which the scheme relates;

“the local authority” means the local authority by whom the operations are to be carried out.

## SECOND SCHEDULE

Section 4.

PROVISIONS AS TO CONFIRMATION, COMING INTO OPERATION  
AND VALIDITY OF FLOOD PREVENTION SCHEMES

1. A flood prevention scheme may be submitted to the Secretary of State by the local authority by whom the flood prevention operations to which the scheme relates (hereinafter in this Schedule referred to as "the operations") are to be carried out.

2. Before submitting a flood prevention scheme to the Secretary of State the local authority shall in two successive weeks publish in at least one local newspaper circulating in their area and in the locality where the operations are to be carried out, and in the *Edinburgh Gazette*, a notice—

- (a) stating the general effect of the scheme ;
- (b) specifying a place in the said area, and (if different) in the locality where the operations are to be carried out, where a copy of the scheme to be submitted and of any relevant map or plan may be inspected by any person free of charge at all reasonable hours during a period of three months from the date of the first publication of the notice ; and
- (c) stating that, within the said period, any person may by notice to the Secretary of State object to the confirmation of the scheme.

3.—(1) Not later than the date on which the said notice is first published as aforesaid, the local authority shall serve a copy thereof (together with a copy of the proposed scheme and of any relevant map or plan) on the following:—

- (a) every person known to the local authority to have any interest in any land on which it is proposed that any of the operations shall be carried out, or in any land which may be affected by any of the operations or by any alteration in the flow of water caused by any of the operations ;
- (b) any other local authority in whose area it is proposed that any of the operations shall be carried out ;
- (c) any statutory body the exercise of whose functions may be affected by any of the operations or by any alteration in the flow of water caused by any of the operations ;
- (d) any body or association appearing to the local authority to represent persons who in their opinion may be affected by any of the operations ; and
- (e) the Postmaster-General (whose address for service for the purposes of this paragraph shall be the Post Office Headquarters (Scotland), General Post Office, Edinburgh 1.)

(2) In this paragraph the expression "statutory body" means any body exercising functions conferred on it by or under any enactment.

4. Not later than the date on which the said notice is first published as aforesaid, the local authority shall cause a copy thereof to be displayed in a prominent position in the locality in which the operations are to be carried out.

O

## 2ND SCH.

5. If before the expiration of the said period of three months an objection is received by the Secretary of State from any party on whom a copy of the said notice is required by paragraph 3 of this Schedule to be served, or from any other party appearing to the Secretary of State to be likely to be affected by any of the proposed operations or, as the case may be, to represent persons likely to be so affected, and the objection is not withdrawn, the Secretary of State shall cause a public local inquiry to be held.

6. 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 the foregoing paragraph as they apply in relation to local inquiries held under the said section three hundred and fifty-five.

7.—(1) After considering any objections to the proposed scheme, which are not withdrawn and, where a public local inquiry is held, the report of the person who held the inquiry, the Secretary of State may confirm the scheme either without modification or with such modification as (subject to the next following sub-paragraph) he thinks fit, or may refuse to confirm the scheme:

Provided that the Secretary of State shall not confirm a scheme with any modification unless he has first—

- (a) intimated the terms of the modification to the parties on whom a copy of the notice mentioned in paragraph 3 of this Schedule is required by that paragraph to be served and on any other person who in the Secretary of State's opinion may be affected by the modification;
  - (b) given them an opportunity to make representations thereanent; and
  - (c) considered any representations so made.
- (2) A modification made under this paragraph—
- (a) if it relates to a provision of the First Schedule to this Act which has been incorporated (with or without modification) in the scheme as submitted to the Secretary of State, shall not alter that provision in such a way as to make any penalty greater than is specified in the said Schedule or place any person other than the local authority making the scheme in a worse position than he would be in if the provision were incorporated as set out in the said Schedule;
  - (b) if it consists of the incorporation of a provision of the said Schedule which has not been incorporated in the scheme as submitted to the Secretary of State, shall provide for the provision to be incorporated either as set out in the said Schedule or with such modification only as might have been made under the foregoing sub-paragraph if the provision had been incorporated in the scheme as so submitted.

8. If the Secretary of State confirms the scheme (with or without modification) the local authority shall publish in the manner prescribed by paragraph 2 of this Schedule a notice stating that the scheme has been confirmed, and naming a place where a copy of the scheme may be seen at all reasonable hours, and paragraphs 3 and 4 of this Schedule shall apply to any such notice as they apply to a notice required to be published by the said paragraph 2.

9. If any person aggrieved by a flood prevention scheme desires to question the validity thereof, or of any provision contained therein, on the grounds that it is not within the powers of this Act, or on the grounds that any requirement of this Act has not been complied with in relation to the making or confirmation of the scheme, he may, within six weeks from the date on which the notice required by the last foregoing paragraph is first published, make an application to the Court of Session, and on any such application the Court—

- (a) may by interim order suspend the operation of the scheme, 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 any provision contained therein, is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any such requirement as aforesaid, may quash the scheme, or any provision contained therein, either generally or in so far as it affects any property of the applicant.

10. Subject to the provisions of the last foregoing paragraph, a flood prevention scheme shall not, either before or after it has been made or confirmed, be questioned in any legal proceedings whatsoever, and shall become operative on the date on which the notice required by paragraph 8 of this Schedule is first published.

*Table of Statutes referred to in this Act*

| Short Title                                                               | Session and Chapter        |
|---------------------------------------------------------------------------|----------------------------|
| Telegraph Act, 1878 ... ..                                                | 41 & 42 Vict. c. 76.       |
| Public Health (Scotland) Act, 1897 ... ..                                 | 60 & 61 Vict. c. 38.       |
| Acquisition of Land (Assessment of Compensation) Act, 1919 ... ..         | 9 & 10 Geo. 5. c. 57.      |
| Water (Scotland) Act, 1946 ... ..                                         | 9 & 10 Geo. 6. c. 42.      |
| Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 ... .. | 10 & 11 Geo. 6. c. 42.     |
| Local Government (Scotland) Act, 1947 ... ..                              | 10 & 11 Geo. 6. c. 43.     |
| Town and Country Planning (Scotland) Act, 1947 ... ..                     | 10 & 11 Geo. 6. c. 53.     |
| Agriculture (Scotland) Act, 1948 ... ..                                   | 11 & 12 Geo. 6. c. 45.     |
| Water (Scotland) Act, 1949 ... ..                                         | 12, 13 & 14 Geo. 6. c. 31. |
| Lands Tribunal Act, 1949 ... ..                                           | 12, 13 & 14 Geo. 6. c. 42. |
| Coast Protection Act, 1949 ... ..                                         | 12, 13 & 14 Geo. 6. c. 74. |
| Rivers (Prevention of Pollution) (Scotland) Act, 1951 ... ..              | 14 & 15 Geo. 6. c. 64.     |

**CHAPTER 42***Sherriffs' Pensions (Scotland) Act, 1961*

## ARRANGEMENT OF SECTIONS

## Section

1. Pensions for sheriffs and salaried sheriffs-substitute.
2. When pensions may be granted.
3. Rates of pension.
4. Calculation of pension on change of appointment after fifteen years' service.
5. Calculation of pension for persons opting out of Administration of Justice (Pensions) Act, 1950.
6. Retiring age.
7. Payment of salary and pensions.
8. Consequential amendments, repeals and saving.
9. Option for existing sheriffs.
10. Interpretation.
11. Financial provisions.
12. Short title.

## SCHEDULES:

First Schedule—Consequential Amendments.

Second Schedule—Enactments Repealed.

An Act to amend the law with respect to the pensions attributable to the office of sheriff and salaried sheriff-substitute, to regulate the age of retirement from such offices, and to regulate the time at which payment may be made of those pensions and of the salaries attaching to the said offices. [19th July, 1961]

**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:—

Pensions for  
sheriffs and  
salaried  
sheriffs-  
substitute.

1.—(1) The Treasury may, upon the recommendation of the Secretary of State, grant a pension in accordance with the following provisions of this Act to any person retiring from the office of sheriff or salaried sheriff-substitute who has completed five years' service in that office; and for the purposes of this section "sheriff" means a sheriff who is restricted by the terms of his appointment from engaging in private practice.

7 Edw. 7 c. 51.

(2) Section twenty of the Sheriff Courts (Scotland) Act, 1907 (which section relates to the payment of annuities to sheriffs and salaried sheriffs-substitute), is hereby repealed.

When  
pensions may  
be granted.

2. A pension may be granted under section one of this Act to a sheriff or salaried sheriff-substitute—

(a) if he vacates office in pursuance of section six of this Act; or



- (b) if the Secretary of State is satisfied by means of a medical certificate that the sheriff or salaried sheriff-substitute is, by reason of infirmity of mind or body, incapable of discharging the duties of his office and that his incapacity is likely to be permanent ; or
- (c) if at the time of his retirement he has attained the age of sixty-five years.

**3.—(1)** The amount of a pension which may be granted under section one of this Act shall be the amount prescribed by this section.

Rates of  
pension.

**(2)** In the case of a person retiring from the office of sheriff, the amount of his pension shall be as follows, that is to say—

- (a) where the period of his relevant service is five years, one-fourth of his last annual salary ;
- (b) where that period exceeds five years but is less than fifteen years, one-fourth of that salary plus one-fortieth of that salary for each completed year of relevant service exceeding five ;
- (c) where that period is fifteen years or more, one-half of his last annual salary ;

but in any case where that person has previously held the office of salaried sheriff-substitute, and where it is more favourable to him so to do, the amount of his pension shall be calculated in accordance with the provisions of the next following subsection ; and for the purposes of that subsection the period of his relevant service shall be determined as if all that service had been in the office of salaried sheriff-substitute.

**(3)** In the case of a person retiring from the office of salaried sheriff-substitute, the amount of his pension shall be as follows, that is to say—

- (a) where the period of his relevant service is five years, fifteen-eightieths of his last annual salary ;
- (b) where that period exceeds five years but is less than ten, fifteen-eightieths of that salary plus one-eightieth for each completed year of relevant service exceeding five ;
- (c) where that period is or exceeds ten years but is less than twenty, one-fourth of that salary plus one-fortieth for each completed year of relevant service exceeding ten ;
- (d) where that period is twenty years or more, one-half of his last annual salary.

Calculation of pension on change of appointment after fifteen years' service.

4.—(1) Where a salaried sheriff-substitute who, after attaining the age of sixty years and after completing a period of relevant service of not less than fifteen years, has been appointed to the office of salaried sheriff-substitute at another place, retires from that office and becomes entitled under the provisions of this Act to a pension, his last annual salary for the purposes of section three of this Act shall be his annual salary on the day immediately preceding his appointment to the office from which he so retires, or his last annual salary in the appointment last mentioned, whichever is the greater.

(2) Where a salaried sheriff-substitute, after attaining the age of sixty years and after completing a period of relevant service of not less than fifteen years, is appointed to the office of sheriff, and is not restricted by the terms of that appointment from engaging in private practice, section three of this Act shall apply to him on his ceasing to hold the office of sheriff in like manner as it would have applied if, at the date of his appointment as aforesaid, he had retired from the office of sheriff-substitute, and had qualified for a pension under this Act.

Calculation of pension for persons opting out of Administration of Justice (Pensions) Act, 1950. 14 & 15 Geo. 6. c. 11.

5. In relation to a sheriff or salaried sheriff-substitute in whose case an election is in force under subsection (1) of section eleven of the Administration of Justice (Pensions) Act, 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 widows' 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 the salary increased by one-third.

Retiring age.

6.—(1) A sheriff or salaried sheriff-substitute shall, subject to the provisions of section nine of this Act, 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.

(2) The provisions of the last foregoing subsection shall apply to a sheriff who is not restricted by the terms of his appointment from engaging in private practice and who is first appointed to the office of sheriff after the commencement of this Act.

Payment of salary and pensions.

7. Any pension payable to a person under this Act or any salary or annuity payable under the Sheriff Courts (Scotland) Act, 1907, may be paid quarterly or otherwise in every year, as the Treasury may determine.

Consequential amendments, repeals and saving.

8.—(1) The enactments described in the First Schedule to this Act shall have effect subject to the amendments therein specified, being minor amendments and amendments consequential on the foregoing provisions of this Act.

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

(3) This Act (other than the last foregoing section) does not affect any annuity, pension or other benefit payable to or in respect of a person who retired or died before the commencement of this Act.

9.—(1) The provisions of this Act, except section seven, subsection (1) of section eight and the First Schedule, shall not apply to any person who holds the office of sheriff or of salaried sheriff-substitute at the commencement of this Act unless he elects that those provisions shall apply to him. Option for existing sheriffs.

(2) Where such an election is made by a person who has attained the age of seventy-two years, subsection (1) of section six of this Act shall apply to him as if he had not attained that age until the end of the calendar year in which that 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.

10. In this Act the following expressions have the meanings hereby respectively assigned to them, unless the context otherwise requires— Interpretation.

“sheriff” except in subsection (2) of section six has the meaning assigned to it in section one of this Act;

“relevant service”, in relation to any person, means service which qualifies for a pension under section one of this Act, and such service need not be continuous or in the same sheriffdom.

11.—(1) There shall be paid out of the Consolidated Fund of the United Kingdom— Financial provisions.

(a) any pension payable under this Act; and

(b) any increase attributable to this Act in the sums payable out of that Fund under any other enactment.

(2) There shall be defrayed out of moneys provided by Parliament any increase in administrative expenses incurred by any Government Department attributable to the passing of this Act.

12. This Act may be cited as the Sheriffs' Pensions (Scotland) Act, 1961. Short title.

## SCHEDULES

Section 8.

## FIRST SCHEDULE

## CONSEQUENTIAL AMENDMENTS

*Sheriff Courts (Scotland) Act, 1907  
(7 Edw. 7 c. 51)*

In section fourteen, for the words from "by" to "instalments" there shall be substituted the words "quarterly or otherwise in every year as the Treasury may determine".

Section 8.

## SECOND SCHEDULE

## ENACTMENTS REPEALED

| Session and Chapter       | Short Title                                                 | Extent of Repeal                                                                                                                                                                                                                                                             |
|---------------------------|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 17 & 18 Vict.<br>c. 94.   | The Public Revenue and Consolidated Fund Charges Act, 1854. | In Schedule (A), the entry relating to the retiring allowances to sheriffs-substitute.                                                                                                                                                                                       |
| 7 Edw. 7. c. 51           | Sheriff Courts (Scotland) Act, 1907.                        | Section twenty.                                                                                                                                                                                                                                                              |
| 23 & 24 Geo. 5.<br>c. 41. | Administration of Justice (Scotland) Act, 1933.             | Section thirty-three.                                                                                                                                                                                                                                                        |
| 14 & 15 Geo. 6.<br>c. 11. | Administration of Justice (Pensions) Act, 1950.             | Section one, so far as it relates to pensions for service as a sheriff or as a sheriff-substitute.<br>Section twenty-four.<br>In section twenty-five, in subsection (1), paragraph (b).<br>In the Second Schedule, the amendment of the Sheriff Courts (Scotland) Act, 1907. |

## CHAPTER 43

*Public Authorities (Allowances) Act, 1961*

## ARRANGEMENT OF SECTIONS

## Section

1. Amendments as to restrictions on payment of allowances under s. 113 of Local Government Act, 1948.
2. Amendments as to restrictions on payment of allowances under s. 113 of Local Government Act, 1948, as it applies to Scotland.
3. Amendment of definition of "approved duty" in Part VI of Local Government Act, 1948.
4. Removal of restrictions on payment of travelling allowances to members of bodies concerned with hospitals under the National Health Service.
5. Amendments as to restrictions on payment of travelling and subsistence allowances to members of Executive Councils and committees thereof.
6. Amendments as to attendance at conferences and meetings for which allowances are payable to members of bodies having functions under the National Health Service.
7. Removal of restriction on entitlement to travelling allowances under Justices of the Peace Act, 1949.
8. Financial provisions.
9. Short title, interpretation, commencement and extent.

An Act to provide for the amendment of the conditions giving entitlement to payment of certain allowances to members of bodies to which Part VI of the Local Government Act, 1948, applies, and to members of certain bodies constituted under the National Health Service Act, 1946, and the National Health Service (Scotland) Act, 1947, and to payment of travelling allowances to justices of the peace and members of probation and other committees constituted under the Criminal Justice Act, 1948; and for matters connected therewith.

[19th July, 1961]

**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) Paragraph (a) of the proviso to subsection (1) of section one hundred and thirteen of the Local Government Act, 1948 (by which a member of the council of a borough, of an urban district or of a rural parish is not entitled to payments under that section by way of travelling allowance or subsistence allowance in respect of the performance of an approved duty within the area of that council) shall cease to apply to a member of the council of a borough (including a metropolitan borough) or of an urban district.

as to  
restrictions on  
payment of  
allowances  
under s. 113  
of Local  
Government  
Act, 1948.

(2) Paragraph (b) of the said proviso (by which a member of a body other than a council specified in the said paragraph (a) who is a member of that body as the representative of such a council

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is not entitled to any such payment under that section in respect of the performance of an approved duty within the area of that council) is hereby repealed.

(3) Paragraph (c) of the said proviso (by which a member of a body is not entitled to any payment under that section in respect of the performance of any approved duty within the area of that body except in respect of duties performed at a distance of more than three miles from his usual place of residence) shall cease to apply in relation to payments by way of travelling allowance.

(4) The said paragraph (c) shall have effect in relation to a payment to a member of a body by way of subsistence allowance in respect of the performance of an approved duty outside the area of the body as well as to such a payment in respect of the performance of a duty within that area.

(5) Accordingly, for paragraph (a) of the proviso to the said subsection (1), there shall be substituted the following paragraph:—

“(a) a member of the council of a rural parish shall not be entitled to a payment under this section in respect of the performance of an approved duty within the area of that council;”

and for paragraph (c) of that proviso there shall be substituted the following paragraph:—

“(c) without prejudice to paragraph (a) of this proviso, a member of a body shall not be entitled to a payment under this section by way of subsistence allowance in respect of the performance of an approved duty except in respect of a duty performed at a distance of more than three miles from his usual place of residence”.

Amendments  
as to  
restrictions  
on payment  
of allowances  
under s. 113  
of Local  
Government  
Act, 1948,  
as it applies  
to Scotland.

2.—(1) It shall no longer be a requirement of entitlement to travelling allowance under the said section one hundred and thirteen, as read with subsection (5) of section one hundred and eighteen of the said Act of 1948 (which section as so read provides in Scotland for the payment of travelling and subsistence allowances in respect of the performance of approved duties to members of public bodies subject to certain restrictions),—

(a) in the case of a member of a town council of a burgh, that the approved duty be performed outside the burgh, or

(b) in the case of a member of any body, that the said duty, if performed within the area of the body, shall be performed at a distance of more than three miles from his usual place of residence.

(2) It shall no longer be a requirement of entitlement to subsistence allowance in respect of the performance of an approved duty under the said section one hundred and thirteen, read as

aforesaid, in the case of a member of a town council of a burgh, that the duty shall have been performed outside the burgh.

(3) The requirement of entitlement to subsistence allowance in respect of the performance of an approved duty as aforesaid by a member of a body that the duty shall have been performed at a distance of more than three miles from his usual place of residence shall obtain whether or not that performance is within the area of that body.

(4) For the purpose of giving effect to the foregoing provisions of this section, for the proviso to subsection (1) of the said section one hundred and thirteen, read as aforesaid, there shall be substituted the following proviso:—

“ Provided that a member of a body shall not be entitled to any payment under this section by way of subsistence allowance in respect of the performance of any approved duty as a member of that body, except in respect of duties performed at a distance of more than three miles from his usual place of residence ”.

3.—(1) In section one hundred and fifteen of the Local Government Act, 1948, paragraph (d) (by which “ approved duty ” in relation to a member of a body includes, where, in circumstances therein mentioned, he has been appointed by or on the nomination of a body to which Part VI of that Act applies to be a member of a prescribed other body, the doing of anything as a member of that other body for the purposes therein mentioned) shall cease to be subject to the proviso to that section (by which proviso the said paragraph (d) is not to apply where the appointee is a member of a committee or sub-committee of the appointing body and is for that reason only deemed by virtue of subsection (2) of section one hundred and eleven of that Act to be for the purposes of that Act a member of the appointing body) and accordingly that proviso and, in the said subsection (2), the words “ save as otherwise expressly provided ” are hereby repealed.

(2) Performance of the duties of a judge of a burgh court, police court or the court of the bailie of the River and Firth of Clyde by a town councillor of a burgh shall be an approved duty within the meaning of the said section one hundred and fifteen, and accordingly after subsection (6) of the said section one hundred and eighteen there shall be inserted the following subsection:—

“ (6A) Section one hundred and fifteen of this Act shall have effect as if there were added after paragraph (d) the following paragraph—

‘ (e) performance of any of his duties as a judge of a burgh court, police court or the court of the bailie of the River and Firth of Clyde, including attendance at a course of instruction in the aforesaid duties ’.”

Removal of restrictions on payments of travelling allowances to members of bodies concerned with hospitals under the National Health Service.

4.—(1) The power of the Minister of Health to provide by regulations made by virtue of sub-paragraph (c) of paragraph 2 of Part IV of the Third Schedule to the National Health Service Act, 1946, for making payments in respect of travelling expenses to members of Regional Hospital Boards, Boards of Governors of teaching hospitals, Hospital Management Committees, and committees appointed under that paragraph, and the like power of the Secretary of State in relation to members of Regional Hospital Boards or Boards of Management in Scotland, by virtue of sub-paragraph (c) of paragraph 2 of Part IV of the Fourth Schedule to the National Health Service (Scotland) Act, 1947, shall cease to be subject to the qualification imposed by those paragraphs that those expenses must have been incurred by them for the purpose of enabling them to perform a duty required to be performed at a distance of more than three miles from their usual place of residence.

(2) Accordingly, for head (ii) of each of those paragraphs there shall be substituted the following heads:—

“(ii) any travelling expenses necessarily incurred by them for the purpose of enabling them to perform any approved duty; or

(iii) any subsistence expenses necessarily incurred by them for the purpose of enabling them to perform any approved duty required to be performed at a distance of more than three miles from their usual place of residence”.

Amendments as to restrictions on payment of travelling and subsistence allowances to members of Executive Councils and committees thereof.

5.—(1) The following provisions shall have effect with respect to the proviso to paragraph 3 of the Fifth Schedule to the National Health Service Act, 1946 (by paragraph (i) of which proviso a member of an Executive Council for the area of a local health authority who are the council of a county borough or a member of a committee appointed by such an Executive Council is not entitled to any payment under regulations made under sub-paragraph (c) of the said paragraph 3 in respect of travelling or subsistence expenses in respect of a duty performed within the area of the Executive Council, except with the authority of the Minister of Health, and by paragraph (ii) of which a member of an Executive Council for the area of a local health authority who are the council of a county or for the area of two or more local health authorities or a member of a committee appointed by such an Executive Council is not entitled to any such payment as aforesaid in respect of a duty performed within the area of the Executive Council except in respect of a duty performed at a distance of more than three miles from his usual place of residence) that is to say,—

(a) neither paragraph (i) nor paragraph (ii) shall apply in relation to any payment in respect of travelling expenses;



- (b) paragraph (i) shall not apply in relation to a payment to a person in respect of subsistence expenses incurred by him for the purpose of enabling him to perform an approved duty at a distance of more than three miles from his usual place of residence, and the exception from that paragraph of payments authorised by the Minister shall cease to have effect;
- (c) paragraph (i) and paragraph (ii) shall apply in relation to a payment to a person in respect of subsistence expenses incurred by him for the purpose of enabling him to perform an approved duty outside the area of the Executive Council as well as to such a payment to a person in respect of subsistence expenses incurred by him for the purpose of enabling him to perform an approved duty within that area.

(2) The following provisions shall have effect with respect to the proviso to paragraph 4 of the Sixth Schedule to the National Health Service (Scotland) Act, 1947 (paragraph (i) of which makes the like provision as paragraph (i) of the proviso referred to in subsection (1) above in relation to a member of an Executive Council for the area of a local health authority who are the council of a large burgh, or a member of a committee appointed by such an Executive Council, and paragraph (ii) of which makes the like provision as paragraph (ii) of the proviso last mentioned in relation to a member of an Executive Council for any area other than a large burgh) that is to say,—

- (a) neither paragraph (i) nor paragraph (ii) shall apply in relation to any payment in respect of travelling expenses;
- (b) paragraph (i) shall not apply in relation to a payment to a person in respect of subsistence expenses incurred by him for the purpose of enabling him to perform an approved duty at a distance of more than three miles from his usual place of residence, and the exception from that paragraph of payments authorised by the Secretary of State shall cease to have effect;
- (c) paragraph (i) and paragraph (ii) shall apply in relation to a payment to a person in respect of subsistence expenses incurred by him for the purpose of enabling him to perform an approved duty outside the area of the Executive Council as well as to such a payment to a person in respect of subsistence expenses incurred by him for the purpose of enabling him to perform an approved duty within that area.

(3) Accordingly, for each of the said provisos there shall be substituted the following proviso:—

“ Provided that a member of an Executive Council or a committee appointed by an Executive Council shall not be

entitled to a payment under sub-paragraph (c) of this paragraph in respect of subsistence expenses incurred by him for the purpose of enabling him to perform an approved duty at a distance of not more than three miles from his usual place of residence”.

Amendments as to attendance at conferences and meetings for which allowances are payable to members of bodies having functions under the National Health Service.

6.—(1) The Minister of Health may by regulations made under the National Health Service Act, 1946, provide that attendance at a conference or meeting shall not be treated as an approved duty—

- (a) within paragraph 5 of Part IV of the Third Schedule to the said Act of 1946 for the purpose of enabling a payment to be made to a member of a Regional Hospital Board, Board of Governors of a teaching hospital, Hospital Management Committee, or a committee of any of those bodies, in respect of travelling or subsistence expenses under sub-paragraph (c) of paragraph 2 of the said Part IV, or
- (b) within paragraph 7 of the Fifth Schedule to the said Act of 1946 for the purpose of enabling a payment to be made to a member of an Executive Council or a committee of such a Council in respect of travelling or subsistence expenses under sub-paragraph (c) of paragraph 3 of that Schedule,

unless that attendance is in such a case and in compliance with such conditions as may be prescribed by those regulations.

(2) There shall be included among the conferences or meetings attendance at which is included in the expression “approved duty” for the purposes of the said paragraph 5 or the said paragraph 7 any conference or meeting or class of conferences or meetings approved by the Minister for the purposes of the said paragraph 5 or the said paragraph 7.

(3) The Secretary of State may, by regulations made under the National Health Service (Scotland) Act, 1947, provide that an attendance at a conference or meeting shall not be treated as an approved duty—

- (a) within paragraph 5 of Part IV of the Fourth Schedule to the said Act of 1947 for the purpose of enabling a payment to be made to a member of a Regional Hospital Board or Board of Management, or a committee of any of those bodies, in respect of travelling or subsistence expenses under sub-paragraph (c) of paragraph 2 of the said Part IV, or
- (b) within paragraph 8 of the Sixth Schedule to the said Act of 1947 for the purpose of enabling a payment to be

made to a member of an Executive Council, or a committee of such a Council, in respect of travelling or subsistence expenses under sub-paragraph (c) of paragraph 4 of that Schedule,

unless that attendance is in such a case and in compliance with such conditions as may be prescribed by those regulations.

(4) There shall be included among the conferences or meetings attendance at which is included in the expression "approved duty" for the purposes of paragraph 5 last mentioned or the said paragraph 8 any conference or meeting or class of conferences or meetings approved by the Secretary of State for the purposes of the said paragraph 5 or the said paragraph 8.

7.—(1) The following provisions of the Justices of the Peace Act, 1949, that is to say—

- (a) paragraph (a) of subsection (3) of section eight (by virtue of which a justice of the peace is not entitled to payments under subsection (1) of that section by way of travelling allowance or lodging allowance in respect of any duties if the duties are performed not more than three miles from his usual place of residence); and
- (b) subsection (2) of section thirty-six (by which a member of a probation committee or case committee constituted under the Criminal Justice Act, 1948, or of a committee constituted for the metropolitan stipendiary court area or any part thereof under paragraph 7 of the Fifth Schedule to that Act is not entitled to payments under subsection (1) of that section by way of travelling allowance or lodging allowance in respect of any duties if the duties are performed not more than three miles from his usual place of residence),

Removal of restriction on entitlement to travelling allowances under Justices of the Peace Act, 1949.

shall cease to apply in relation to payments by way of travelling allowance.

(2) Accordingly,—

(a) for paragraph (a) of the said subsection (3) there shall be substituted the following paragraph:—

“(a) in the case of a payment by way of lodging allowance, if those duties are performed not more than three miles from his usual place of residence; or”,

(b) for the said subsection (2) there shall be substituted the following subsection:—

“(2) A member of a committee shall not be entitled to any payment under this section by way of lodging allowance in respect of any duties if the duties are performed not more than three miles from his usual place of residence”.

Financial provisions.

8. 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 moneys so provided under any other enactment.

Short title, interpretation, commencement and extent.

9.—(1) This Act may be cited as the Public Authorities (Allowances) Act, 1961.

(2) Any reference in this Act to any enactment is a reference thereto as amended by any other enactment, including, except where the context otherwise requires, this Act.

(3) This Act, except sections four, five and six thereof, shall come into force on the expiration of the period of one month beginning with the day on which this Act is passed, and the said sections four, five and six shall come into force on such day (not being earlier than the expiration of the said period) as the Minister of Health and the Secretary of State, acting jointly, may by order made by statutory instrument appoint.

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

*Table of Statutes referred to in this Act*

| Short Title                                     | Session and Chapter         |
|-------------------------------------------------|-----------------------------|
| National Health Service Act, 1946 ... ..        | 9 & 10 Geo. 6. c. 81.       |
| National Health Service (Scotland) Act, 1947... | 10 & 11 Geo. 6. c. 27.      |
| Local Government Act, 1948 ... ..               | 11 & 12 Geo. 6. c. 26.      |
| Criminal Justice Act, 1948 ... ..               | 11 & 12 Geo. 6. c. 58.      |
| Justices of the Peace Act, 1949... ..           | 12, 13 & 14 Geo. 6. c. 101. |

## CHAPTER 44

An Act to make provision with respect to the qualification for office of barristers who have been solicitors, and for purposes connected therewith. [19th July, 1961]

**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 purpose of any statutory provision or custom whereby the qualification of a barrister for holding any office depends upon his having been called to the Bar for a prescribed period, the period in the case of a barrister who before call was a solicitor shall be deemed to include any period after his admission as such during which he is, for the purposes of this section, recognised by the Masters of the Bench of the Inn of Court by which he was called as having been, or certified by the Law Society as having in its opinion been, in practice or in employment as a solicitor. Qualification for office of barristers who have been solicitors.

(2) In this section—

“barrister” means a person who is a member of the bar of England;

“solicitor” has the same meaning as in the Solicitors Act, 5 & 6 Eliz. 2 1957; and c. 27.

“statutory provision” means any provision contained in or having effect under an Act of Parliament passed before or after this Act,

and this section shall apply in relation to practice or employment as a solicitor before, as well as after, the passing of this Act.

2. This Act may be cited as the Barristers (Qualification for Office) Act, 1961. Short title.

## CHAPTER 45

*Rating and Valuation Act, 1961*

ARRANGEMENT OF SECTIONS

PART I

GENERAL PROVISIONS AS TO VALUATION AND RATING

*Valuation Provisions*

Section

1. Rating of industrial and freight-transport hereditaments.
2. Power to reduce rateable value of dwelling-houses, etc., for the purposes of first new valuation lists.
3. Valuation of certain hereditaments hitherto valued by reference to profits, etc.
4. Valuation of county and voluntary school premises.
5. Amendments as to plant and machinery to be included in hereditament.
6. Adjustment of gross value by reference to provision of or payment for services, etc.

**Section**

7. Valuation of hereditaments which are partly occupied.
8. Miscellaneous amendments as to net annual value and rateable value.
9. Valuation of advertising stations.
10. Assessment of certain burial grounds.

*Rating Provisions*

11. Reduction and remission of rates payable by charitable and other organisations.
12. Provisions supplementary to foregoing section.
13. Liability of parks, etc., to be rated.
14. Abolition of rate books.
15. Rating of owners.
16. Withholding of rates pending settlement of proposals.
17. Refund of overpayments.

**PART II****VALUATION OF HEREDITAMENTS OF STATUTORY  
WATER UNDERTAKINGS**

18. Valuation of water undertakings.
19. Adjustment of rateable values of water undertakings during currency of valuation lists.
20. Procedural provisions.
21. Ascertainment of average water supplies.
22. Supplementary provisions relating to water undertakings.
23. Review of operation of Part II.

**PART III****GENERAL AND SUPPLEMENTARY**

24. Contributions in aid of rates in respect of court buildings, police stations, etc.
25. Minor and consequential amendments.
26. Payments out of moneys provided by Parliament.
27. Orders and regulations.
28. Interpretation.
29. Short title, repeals, saving and extent.

**SCHEDULES:**

First Schedule—Charities excluded from Mandatory Relief.

Second Schedule—Transitional Provisions as to Valuation of Statutory Water Undertakings.

Part I—Application of Part II of Act to First New Lists.

Part II—Application of Part II of Act to Second New Lists.

Part III—Modifications in cases of New Undertakings, Amalgamations, etc.

Third Schedule—Modifications of Part II of Act where undertaking confined to one Parish.

Fourth Schedule—Minor and Consequential Amendments.

Fifth Schedule—Enactments Repealed.

Part I—Enactments repealed as from coming into force of first new Valuation Lists.

Part II—Enactments repealed as from passing of Act.

Part III—Enactments repealed as from day appointed under s. 14.

An Act to amend the law with respect to the valuation of property for the purposes of rates and with respect to the making and collection of rates. [27th July, 1961]

**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

### GENERAL PROVISIONS AS TO VALUATION AND RATING

#### *Valuation Provisions*

1. No reduction in rateable value shall be made under section sixty-eight of the Local Government Act, 1929 (which provided for relief from rates in respect of industrial and freight-transport hereditaments) for the purposes of valuation lists coming into force after the passing of this Act. Rating of industrial and freight-transport hereditaments.

2.—(1) If the Minister by order so provides, then for the purposes of the first valuation lists coming into force after the passing of this Act the rateable value of— Power to reduce rateable value of dwelling-houses, etc., for purposes of first new valuation lists.

(a) any such hereditament as is mentioned in subsection (1) of section two of the Valuation for Rating Act, 1953 (which relates to dwelling-houses and certain other private premises), or

(b) a hereditament falling within paragraphs (a) and (b) of subsection (1) of section four of the said Act of 1953 (which relates to hereditaments partly used as private dwellings) and not excluded by subsection (4) of that section.

shall be the amount produced by deducting from the net annual value of the hereditament such percentage of that value as may be prescribed by the order for paragraph (a) or (b) of this subsection, as the case may be.

(2) In prescribing a percentage for paragraph (a) or (b) of the foregoing subsection the Minister may make different provision according to the administrative county or county borough in which a hereditament is situated.

In this subsection the reference to a county includes a reference to the Isles of Scilly.

(3) An order under this section shall not have effect unless approved by a resolution of each House of Parliament.

3.—(1) The Minister may by order make provision for determining the rateable value of hereditaments to which this section applies, or any class or description of such hereditaments specified in the order, by such method as may be so specified. Valuation of certain hereditaments hitherto valued by reference to profits, etc.

## PART I

(2) This section applies to—

- (a) any hereditament occupied by the National Coal Board,
- (b) any other hereditament which consists of or includes a mine or quarry or the whole or part of which is occupied together with a mine or quarry in connection with its working, or the treatment, preparation, storage or removal of its minerals or products of its minerals or the removal of its refuse,
- (c) any hereditament occupied by the persons carrying on, under authority conferred by or under any enactment, a dock or harbour undertaking, and
- (d) any hereditament occupied by the persons carrying on an undertaking for the diffusion by wire of sound or television programmes.

Any reference in paragraph (b) of this subsection to a mine or quarry includes a reference to a well or bore-hole or a well and bore-hole combined, but except as aforesaid expressions used in that paragraph and the Mines and Quarries Act, 1954, have the same meanings in that paragraph as in that Act.

(3) Any order under this section applying to any hereditament falling within any paragraph of the foregoing subsection, or any class or description of such hereditaments, may provide for determining rateable value by the application of different methods of valuation to different parts of the hereditament.

(4) Before making any order under this section the Minister shall consult with such associations of local authorities or of persons carrying on undertakings as appear to him to be concerned and with any local authority or person carrying on an undertaking with whom consultation appears to him to be desirable.

(5) In the year following the coming into force of the second valuation lists for the purposes of which any order under this section has effect the Minister shall, in consultation with such associations, local authorities and persons as aforesaid, cause investigations to be made into the effect of the operation of the order; and the Minister shall cause to be laid before Parliament a report on any investigations made under this subsection and their result.

(6) An order under this section may repeal or amend any enactment so far as that enactment relates to the valuation of hereditaments to which the order relates, may as regards such hereditaments apply, restrict or modify the enactments relating to proposals for alterations of valuation lists and to appeals in connection with such lists and to the withholding of rates where proposals are pending, and shall have effect notwithstanding anything in any such enactment.



(7) No order under this section shall have effect unless approved by a resolution of each House of Parliament. PART I

(8) No order under this section shall have effect for the purposes of valuation lists in force at the passing of this Act.

4.—(1) The Ministers may make regulations providing that, for the purposes of any valuation lists coming into force after the passing of this Act, being lists to which the regulations apply, the gross value of county and voluntary schools of any prescribed class shall be ascertained in accordance with provisions of the regulations—

Valuation of  
county and  
voluntary  
school  
premises.

(a) requiring the Minister of Education to certify the amount estimated by him, by reference to such factors as appear to him to be relevant, to be the average cost of providing a place for one pupil in a school of that class completed not less than one year before the coming into force of the lists ;

(b) providing for the determination for any school of that class of an amount equal to the product—

(i) of a standard gross value for each such place, being a prescribed percentage of the amount certified under the foregoing paragraph, and

(ii) of the number of places determined in accordance with the regulations to be available for pupils in that school ; and

(c) providing for taking as the gross value for any such school the amount arrived at under the foregoing paragraph as adjusted in the prescribed manner by reference to the age, lay-out and construction of the buildings, the facilities and amenities provided at the school and such other factors of any description as may be prescribed.

(2) The Ministers may by regulations provide that land of any prescribed description forming part of, or occupied with, a county or voluntary school shall in such cases as may be prescribed be treated for rating purposes as a separate hereditament and not as forming part of the school or its appurtenances.

(3) Before making any regulations under this section the Ministers shall consult with such associations of local authorities as appear to them to be concerned and with any local authority with whom consultation appears to them to be desirable, and any statutory instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) In this section “ county school ” and “ voluntary school ” have the same meanings as in the Education Act, 1944, “ the Ministers ” means the Minister and the Minister of Education,

**PART I** and “prescribed” means prescribed by regulations under this section.

Amendments  
as to plant and  
machinery to  
be included in  
hereditament.

**5.—(1)** The Minister may by order provide for excluding from the plant and combinations of plant and machinery which are to be treated as comprised in Class 4 in the Third Schedule to the Act of 1925 (the Schedule which describes the classes of machinery and plant to be deemed to be part of a hereditament for rating purposes) any item or part of an item which satisfies the following conditions:—

(a) that it is the practice of the trade for which the item is provided to move the item or part from one hereditament, or situation in a hereditament, to another, and

(b) that the weight, greatest dimension, and volume (each being measured as provided by the order) do not exceed such limits as may be prescribed by the order.

(2) An order under the foregoing subsection may be made either generally or as respects specified descriptions of items or parts of items of plant or of combinations of plant and machinery, and may make different provision under paragraph (b) of the foregoing subsection for different cases.

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

(4) In the proviso to Class 1 in the Third Schedule to the Act of 1925 (which excludes process plant from that class notwithstanding that it is used in connection with the process for the purpose of heating, cooling, ventilating, lighting, supplying water or protecting from fire) and in the proviso (to the like effect) in Class 1B in the Schedule to the Plant and Machinery (Rating) Order, 1960, after the word “lighting” there shall be inserted the word “draining”.

Adjustment of  
gross value by  
reference to  
provision of  
or payment  
for services,  
etc.

**6.—(1)** The following provisions of this section shall have effect for the purpose of ascertaining the gross value of a hereditament in cases where it falls to be ascertained by reference to the rent payable in respect of that or some other hereditament (hereinafter referred to as the standard hereditament) and either or both the following conditions are fulfilled, that is to say, the rent of the standard hereditament is partly attributable to the provision by the landlord of services in relation to that hereditament (including the repair, maintenance or insurance of premises not forming part of that hereditament) or the tenant, in addition to the rent, contributes towards the cost of any such services.

(2) Where the rent of the standard hereditament is partly attributable to the provision by the landlord of such services,

the sum falling to be deducted from that rent for the said purpose as being the amount attributable to the provision of those services shall not include any amount in respect of—

- (a) any profit made, or which might be expected to be made, by the landlord in providing those services ;
- (b) the cost of repairs to, and maintenance and insurance of, premises not forming part of that hereditament.

(3) Where the tenant of the standard hereditament, in addition to the rent,—

- (a) makes payments to the landlord in consideration of the landlord undertaking to provide any such services in relation to that hereditament ; or
- (b) otherwise contributes (directly or indirectly and whether in pursuance of an undertaking to do so or not) to the cost of repairing, maintaining or insuring other premises not forming part of that hereditament but belonging to or occupied by the landlord, being premises which the landlord has not undertaken to repair, maintain or insure, as the case may be ;

the rent shall for the purpose of ascertaining gross value be treated as increased by the amount of the payments or other contributions made by the tenant or, where those amounts vary from time to time, by a sum which on a proper estimate equals the average annual amount so paid or contributed.

(4) Nothing in the foregoing subsection shall be taken to prejudice any right to make a deduction from the rent of a hereditament, for the purpose of ascertaining gross value, in respect of services provided by the landlord or other matters.

(5) Any reference in the foregoing provisions of this section to premises includes a reference to any plant or machinery which by virtue of section twenty-four of the Act of 1925 is treated as part of those premises for rating purposes or would be so treated if those premises were a rateable hereditament.

(6) In the definition of “ gross value ” in section sixty-eight of the Act of 1925, the proviso (which provides that no account shall be taken of the value of services provided by the landlord and which has become unnecessary) shall cease to have effect.

(7) An alteration in a valuation list made in pursuance of a proposal made for the purpose of giving effect to any of the foregoing provisions of this section, being an alteration which would by virtue of subsection (1) of section forty-two of the Act of 1948 (alterations retrospective to beginning of current rate period) be deemed to have had effect as from a date before the passing of this Act, shall be deemed to have had effect as from the passing of this Act.

**PART I**  
Valuation of hereditaments which are partly occupied.

**7.**—(1) If it appears to the rating authority that part of a hereditament included in the valuation list is unoccupied but will remain so for a short time only, the authority may request the valuation officer to apportion the rateable value of the hereditament between the occupied and unoccupied parts; and if the apportionment made by the valuation officer is agreed by the authority and the occupier, then, as from—

- (a) the date upon which the hereditament became partly occupied, or
- (b) the commencement of the rate period in which the request was made,

whichever is the later, until any of the unoccupied part is reoccupied or a further apportionment of the value of the hereditament takes effect under this section, the value apportioned to the occupied part shall be treated for rating purposes as if it were the value ascribed to the hereditament in the valuation list.

(2) This section shall not apply in relation to any hereditament of which the owner (within the meaning of section eleven of the Act of 1925) is rated or has undertaken to pay the rates instead of the occupier, but shall apply in relation to a hereditament the owner of which has undertaken to collect on behalf of the rating authority the rates due from the occupier.

Miscellaneous amendments as to net annual value and rateable value.

**8.**—(1) For the purposes of valuation lists coming into force at any time after the passing of this Act the following provisions shall have effect.

(2) The deduction from gross value in respect of drainage and other rates provided for by paragraph (a) of subsection (1) of section twenty-two of the Act of 1925, as amended by subsection (7) of section five of the Act of 1955, shall not be made.

(3) The deduction provided for, in the case of certain hereditaments, by paragraph (c) of subsection (1) of section twenty-two of the Act of 1925 and Part II of the Second Schedule thereto (which relates to deductions in lieu of certain previous reliefs from rates) shall not be made, but nothing in this subsection shall be construed as providing any such corresponding relief as is mentioned in subsection (2) of the said section twenty-two.

Valuation of advertising stations.

**9.**—(1) In valuing for rating purposes any right which constitutes a separate hereditament by virtue of section fifty-six of the Act of 1948 (rating of advertising stations), the rent at which the hereditament might be expected to be let shall be estimated on the footing that it would include a proper amount in respect of any structure for the time being available for use, for the purpose of exhibiting advertisements, by the occupier of the separate hereditament, notwithstanding that the structure was provided by him or was provided after the right was let out or reserved.

(2) Notwithstanding anything in the said section fifty-six the separate hereditament shall be treated as coming into existence at the earliest time at which either any structure is erected, after the right constituting the hereditament has been let out or reserved, for enabling the right to be exercised or any advertisement is exhibited in pursuance of the right, and not before; and for the purposes of subsection (2) of section forty-two of the Act of 1948 (cases in which alterations of valuation lists are not to be retrospective to beginning of rating period)—

- (a) the hereditament shall be treated as a newly erected or newly constructed hereditament coming into occupation at the said earliest time, and
- (b) the erection, dismantling or alteration, after that time, of any structure for enabling the right to be exercised shall, in relation to the hereditament, be treated as the making of structural alterations.

(3) In this section and section fifty-six of the Act of 1948 references to a structure include references to a hoarding, frame, post, wall or sign, and accordingly in that section the words "hoarding, frame, post, wall or" shall cease to have effect.

(4) This section shall have effect for the purposes of valuation lists coming into force at any time after the passing of this Act.

10. Section fifteen of the Burial Act, 1855 (under which burial grounds purchased under the provisions of the Acts referred to in that section are not to be valued for rating above the level at which the land was assessed at the time of the purchase) shall not apply in relation to any valuation lists coming into force after the passing of this Act. Assessment of certain burial grounds.

### *Rating Provisions*

11.—(1) If notice in writing is given to the rating authority that— Reduction and remission of rates payable by charitable and other organisations.

- (a) any hereditament occupied by, or by trustees for, a charity and wholly or mainly used for charitable purposes (whether of that charity or of that and other charities); or
- (b) any other hereditament, being a hereditament held upon trust for use as an almshouse,

is one falling within this subsection, then, subject to the provisions of this section, the amount of any rates chargeable in respect of the hereditament for any period, beginning not earlier than the rate period in which the notice is given, during which the hereditament is one falling within either paragraph (a) or paragraph (b) of this subsection shall not exceed one-half of the amount which would be chargeable apart from the provisions of this subsection:

## PART I

Provided that where a hereditament ceases to be one falling within the said paragraphs (a) and (b), a previous notice given for the purposes of this subsection shall not have effect as respects any subsequent period during which the hereditament falls within either of those paragraphs.

(2) No relief under the foregoing subsection shall be given in the case of a hereditament falling within paragraph (a) thereof for any period during which the hereditament is occupied by an institution specified in the First Schedule to this Act.

(3) The Minister may by order amend the provisions of the First Schedule to this Act by adding any institution which in his opinion ought to be classified with the institutions mentioned in that Schedule or omitting any institution or altering the description of any institution.

An order under this subsection may be made so as to have effect from any date not earlier than the beginning of the rate period in which it is made, and any statutory instrument containing an order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Without prejudice to the powers conferred by subsection (4) of section two of the Act of 1925, a rating authority shall have power to reduce or remit the payment of rates chargeable in respect of—

- (a) any hereditament falling within paragraph (a) or (b) of subsection (1) of this section ;
- (b) any other hereditament which is occupied for the purposes of one or more institutions or other organisations which are not established or conducted for profit and whose main objects are charitable or are otherwise philanthropic or religious or concerned with education, social welfare, science, literature or the fine arts ;
- (c) any other hereditament which is occupied for the purposes of a club, society or other organisation not established or conducted for profit and is wholly or mainly used for purposes of recreation,

for any such period as is mentioned in the following subsection :

Provided that any such reduction or remission shall cease to have effect on a change in the occupation of the hereditament in respect of which it was granted.

(5) Any reduction or remission of rates determined under the foregoing subsection may at the discretion of the rating authority be granted—

- (a) for the year in which, or the year next following that in which, the determination to grant it is made ; or

- (b) for a specified term of years, not exceeding five, beginning not earlier than the year in which the determination was made nor more than twenty-four months after the date of the determination ; or
- (c) for an indefinite period beginning not earlier than the last mentioned year subject, however, to the exercise by the rating authority of their powers under the following subsection.

(6) Where any such reduction or remission is granted for an indefinite period the rating authority may, by not less than twelve months' notice in writing given to the occupiers of the hereditament, terminate or modify the reduction or remission as from the end of a year specified in the notice.

(7) The foregoing provisions of this section shall not apply to any hereditament to which section seven of the Act of 1955 (which provides for relief from rates in the case of places of religious worship and church and chapel halls) applies or to any hereditament occupied (otherwise than as trustee) by any authority having, within the meaning of the Local Loans Act, 1875, power to levy a rate.

(8) Section fifty-nine of the Act of 1925 (which relates to the service of notices) shall apply to notices authorised to be served for the purposes of this section as it applies to notices authorised to be served for the purposes of that Act.

(9) In this section "charity" means an institution or other organisation established for charitable purposes only and "organisation" includes any persons administering a trust ; and a hereditament an interest in which belongs to a charity or any ecclesiastical corporation and in which (in right of that interest)—

- (a) the persons from time to time holding any full-time office as clergyman or minister of any religious denomination, or
- (b) any particular person holding such an office,

have or has a residence from which to perform the duties of the office, or in which (in right of the said interest) accommodation is being held available to provide such a residence for such a person, shall be treated for the purposes of this section as occupied by a charity and wholly or mainly used for charitable purposes, whether apart from this provision it would be so treated or not.

12.—(1) The foregoing section shall apply to rates made for periods beginning on or after the date of the coming into force of the first valuation lists to come into force after the passing of this Act. Provisions supplementary to foregoing section.

(2) On that date the following enactments shall cease to have effect, that is to say—

## PART I

- (a) section eight of the Act of 1955 (reductions and remissions of rates payable by charitable and other organisations) ;
- (b) the Scientific Societies Act, 1843 (exemption for societies instituted for the purposes of science, literature or the fine arts exclusively) ;
- (c) the Sunday and Ragged Schools (Exemption from Rating) Act, 1869 ;
- (d) section sixty-four of the Education Act, 1944 (exemption of voluntary schools).

(3) On that date section seven hundred and thirty-one of the Merchant Shipping Act, 1894 (which confers exemptions from taxes, duties and rates in respect of lighthouses, buoys and beacons and in respect of property of the Trinity House, other lighthouse authorities and the Ministry of Transport) shall cease to exempt from rates any property belonging to or occupied by the Trinity House except lighthouses, buoys and beacons and any property within the same curtilage as, and occupied for the purposes of, a lighthouse.

(4) Where an exemption from liability for rates in respect of a hereditament subsisted immediately before that date by virtue of the Scientific Societies Act, 1843, section seven hundred and thirty-one of the Merchant Shipping Act, 1894, or section sixty-four of the Education Act, 1944, and, but for subsection (2) or (3) of this section, an exemption in respect of the hereditament would have continued to subsist after that date,—

- (a) no rates shall be payable in respect of the hereditament as respects the year beginning with that date ; and
- (b) as respects each of the next four succeeding years, the amounts of rates payable in respect of the hereditament shall (without prejudice to any reduction or remission under subsection (4) of the foregoing section) be respectively one-fifth, two-fifths, three-fifths and four-fifths of the amount which would be payable apart from the provisions of this subsection and that subsection :

Provided that paragraphs (a) and (b) of this subsection shall not apply in relation to any hereditament except as respects any period as respects which an exemption for that hereditament would have subsisted but for the said subsection (2) or (3).

(5) The Minister may, on the application of any rating authority appearing to him to be concerned, by order repeal or amend any local enactment which confers an exemption from, or a power to reduce or remit a payment of, rates in respect of any particular hereditament or of hereditaments of any class if it appears to him that a right to relief arises in respect of that hereditament or hereditaments of that class under subsection (1) of the foregoing section, or that a reduction or remission may be



## PART I

granted in respect thereof under subsection (4) of that section, and may by that order make such other amendments of any other local enactments as appear to him to be necessary in consequence of the repeal or amendment and such transitional provision as appears to him to be necessary or expedient in connection with the matter.

In this subsection "local enactment" means a provision of any local and personal Act or private Act or of any order or other instrument in the nature of any such Act.

(6) For the avoidance of doubt it is hereby declared that for the purposes of the Education Act, 1944, the expenses of maintaining a voluntary school include the payment of rates.

13.—(1) A park which has been provided by, or is under the management of, a local authority and is for the time being available for free and unrestricted use by members of the public shall, while so available, be treated for rating purposes as if it had been dedicated in perpetuity for such use as aforesaid. Liability of parks, etc., to be rated.

(2) In this section—

references to a park include references to a recreation or pleasure ground, a public walk, an open space within the meaning of the Open Spaces Act, 1906. or a playing field provided under the Physical Training and Recreation Act, 1937 ;

"local authority" means the council of a county, county borough, county district, metropolitan borough or borough included in a rural district, a parish council or parish meeting, the Common Council of the City of London or the Council of the Isles of Scilly, or any two or more of them acting in combination.

(3) This section shall apply to rates made for periods beginning on or after the coming into force of the first valuation lists to come into force after the passing of this Act.

14.—(1) The following provisions of this section shall apply to rates made for periods beginning on or after such day as the Minister may by order appoint. Abolition of rate books.

(2) It shall not be necessary to use rate books.

(3) A certificate signed by a duly authorised officer of a rating authority—

(a) stating that a rate has been made or published by the authority on a date or dates specified in the certificate ;  
or

(b) stating the value at a specified date of a hereditament within the authority's area, the amount of rates chargeable in respect of the hereditament or whether any, and if so what, amount has been paid in satisfaction of rates due thereon,

shall be evidence of the matters stated in the certificate.

## PART I

(4) A rating authority shall, on being so requested by a person who is or was liable in respect of a hereditament in the area of the authority for rates for any period in the current year or any of the nine years preceding that year, give him a statement of the rates payable or paid in respect of the hereditament for any of those years or any other year in respect of which the person is still liable for arrears at the time of the request.

(5) Where a person satisfies a rating authority that he is or was liable, in respect of a hereditament in the area of the authority, to indemnify any other person for rates, he shall be entitled to the like statement under the foregoing subsection as that other person is entitled to.

Rating of  
owners.

**15.**—(1) If an order made by the Minister so provides, subsection (1) of section eleven of the Act of 1925 (which empowers a rating authority to direct that owners instead of occupiers shall be rated in the case of hereditaments of a rateable value not exceeding eighteen pounds or, in London and certain other areas, twenty-five pounds) shall have effect as if for the limits of eighteen and twenty-five pounds there were substituted such other limits respectively as may be specified in the order.

A statutory instrument containing an order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) The allowance which may be made under paragraph (a) of subsection (1) of the said section eleven to owners rated under that subsection shall be ten per cent. of the amount payable in respect of rates, and accordingly section one hundred and twenty-two of the Act of 1948 (which enables the rating authority to increase the said allowance to fifteen per cent.) shall cease to have effect.

(3) Paragraph (b) of the said subsection (1) (which requires allowances to be made to owner-occupiers by local authority owners which pass on allowances to their tenants) shall cease to have effect.

(4) In subsection (2) of the said section eleven (which among other things enables a rating authority to make an allowance of fifteen per cent. to owners undertaking to pay rates on certain hereditaments whether occupied or not) for the words "fifteen per cent." there shall be substituted the words "ten per cent."

(5) An order under subsection (1) of this section shall not affect any person's liability for rates for any period before the coming into force of the first valuation lists to come into force after the date of the order, and subsections (2) to (4) shall not affect allowances payable in respect of rates for any period before the coming into force of the first valuation lists to come into force after the passing of this Act.

## PART I

16.—(1) In relation to valuation lists coming into force after the passing of this Act subsection (7) of section one of the Act of 1955 (which limits the amount of rates recoverable where a proposal to reduce the value of a hereditament is served on the valuation officer before the end of the year beginning with the date on which the list comes into force) shall be amended as follows.

Withholding  
of rates  
pending  
settlement of  
proposals.

(2) The period within which a proposal must be served if the subsection is to apply shall be the period of six months beginning with the date on which the valuation list comes into force.

(3) The said subsection (7) shall not apply in relation to a proposal to reduce the value shown in a valuation list of any hereditament unless—

(a) it is served on the valuation officer by the occupier of the hereditament and no previous such proposal has been served on the valuation officer in relation to the same list by any occupier of the hereditament, or

(b) it is served on the valuation officer by the owner of the hereditament (being a person who in pursuance of section eleven of the Act of 1925 is rated or has undertaken to pay or collect the rates in respect of the hereditament) and no previous such proposal has been served on the valuation officer in relation to the same list by any such owner of the hereditament.

(4) At the end of the subsection there shall be added the words “increased by half the difference between that amount and the amount which would be recoverable as aforesaid apart from this subsection”.

(5) Where a change in the law determining the relationship between the net annual value and rateable value of hereditaments of any specified description, or of hereditaments generally, operates as from the coming into force of any valuation lists (whether the change arises from the coming into operation, amendment or repeal of any provision or from the fact that a provision applying to the previous lists or the last rate period therein does not apply to the new lists), and so operates as to increase the rateable values to which the change applies, the said subsection (7) shall have effect in relation to hereditaments of which the rateable values as shown in the new lists are affected by the change as if for the reference to the total amount of rates levied on a hereditament for the last year before a list came into force there were substituted a reference to the total amount of the rates which would have been levied thereon for that year if the rateable value for that year had been related to the actual net annual value for the year in the same way as it would have been related to the net annual value if the change had had effect as respects that year.

**PART I**  
Refund of  
overpayments.

**17.**—(1) Where it is shown to the satisfaction of a rating authority that any amount paid in respect of rates, and not recoverable apart from this section, could properly be refunded on the ground that—

- (a) the amount of any entry in the valuation list was excessive, or
- (b) a rate was levied otherwise than in accordance with the valuation list, or
- (c) any exemption or relief to which a person was entitled was not allowed, or
- (d) the hereditament was unoccupied during any period, or
- (e) the person who made a payment in respect of rates was not liable to make that payment,

the rating authority may refund that amount or a part thereof:

Provided that no refund shall be made—

- (i) unless application therefor was made before the end of the sixth year after that in which the amount was paid;
  - (ii) if the amount paid was charged on the basis, or in accordance with the practice, generally prevailing at the time when the payment was demanded.
- (2) Before determining whether a refund should be made—
- (a) in a case falling within paragraph (a) of the foregoing subsection, or
  - (b) in a case falling within paragraph (c) thereof where the exemption or relief was one which ought to have appeared in the valuation list,

a rating authority shall obtain a certificate from the valuation officer as to the manner in which in his opinion the hereditament in question should have been treated for the purposes of the valuation list, and the certificate shall be binding on the authority.

**PART II****VALUATION OF HEREDITAMENTS OF STATUTORY WATER  
UNDERTAKINGS****Valuation  
of water  
undertakings.**

**18.**—(1) For the purposes of valuation lists coming into force after the passing of this Act, the rateable values of the hereditaments in any parish in England and Wales which are occupied for the purposes of a statutory water undertaking (hereinafter referred to as water hereditaments of the undertaking) shall be taken to be the values ascertained, in accordance with the following provisions of this section, by apportioning an amount (hereinafter referred to as the cumulo-value for the undertaking) ascertained as hereinafter provided for the undertaking as a whole.

## PART II

(2) The cumulo-value for the purposes of such lists as aforesaid coming into force at any time (hereinafter referred to as the relevant lists) shall be determined by adjusting as hereinafter provided the cumulo-value as determined for the purposes of the valuation lists (hereinafter referred to as the previous lists) last coming into force before the relevant lists :—

- (a) if the yearly average supply of the undertakers in the basic period for the relevant lists exceeds their yearly average supply in the basic period for the previous lists, the cumulo-value for the undertaking, as determined for the purposes of the previous lists, shall be increased by an amount which bears to the aggregate of the cumulo-values for all undertakings in England and Wales, as determined for the purposes of the previous lists, the proportion which the difference between the said yearly average supplies bears to the yearly average supply of all undertakers in England and Wales in the basic period for the previous lists ;
- (b) if the yearly average supply of the undertakers in the basic period for the relevant lists falls short of their yearly average supply in the basic period for the previous lists, the cumulo-value for the undertaking shall be reduced in the proportion which the one bears to the other ;
- (c) the said cumulo-value, adjusted (unless neither of the two foregoing paragraphs has effect) in accordance with those paragraphs, shall be apportioned among rating areas in which water hereditaments of the undertaking are situated ;
- (d) the amount apportioned under the foregoing paragraph to each county borough and to the Isles of Scilly, and the aggregate of the amounts apportioned to the rating areas in each county, shall be adjusted by multiplying it by the proportional change in the level of net annual values appearing, on the average, from a comparison of the values expected to be shown in the relevant lists for the borough, Isles or county, as transmitted to rating authorities in pursuance of subsection (3) of section one of the Act of 1955, with the net annual values shown in the previous lists for the borough, Isles or county at the beginning of April last before the coming into force of the relevant lists ;

and the sum of the amounts and aggregates referred to in paragraph (d) of this subsection, adjusted in accordance with that paragraph, shall be the cumulo-value for the undertaking determined for the purposes of the relevant lists.

(3) The last-mentioned cumulo-value shall be apportioned among parishes in which water hereditaments of the undertaking

P

**PART II**

are situated, and for the purposes of the relevant lists the amount apportioned to any parish shall be the rateable value of such hereditaments in the parish, and rateable values (but no net annual values) shall be shown accordingly in lists transmitted to rating authorities in pursuance of subsection (3) of section one of the Act of 1955.

(4) References in this Part of this Act to water hereditaments do not include references to dwelling-houses, and hereditaments in England and Wales occupied as dwelling-houses for the purposes of a statutory water undertaking shall be treated for the purposes of valuation lists coming into force after the passing of this Act in like manner as if so occupied for any purposes for which no special provision is made by the law relating to valuation for rating.

**Adjustment  
of rateable  
values of water  
undertakings  
during  
currency of  
valuation lists.**

**19.—(1)** If in any of the successive periods of five calendar years ending respectively with the December last before the coming into force of the relevant lists and the subsequent Decembers falling earlier than two years before the date on which those lists cease to be in force—

- (a) the yearly average supply of any statutory water undertakers exceeds or falls short of their yearly average supply in the basic period for those lists, and
- (b) the excess or deficiency is greater than ten per cent. of the last-mentioned average supply,

the rateable values of the water hereditaments of the undertaking shall be varied, in accordance with the following provisions of this section, for any rate period beginning fifteen months or more after the end of the said period of five years and ending not later than the date on which the lists cease to be in force or on which a subsequent variation under this section takes effect.

(2) If there is such an excess as aforesaid, the cumulo-value for the undertaking, as determined for the purposes of the relevant lists, shall be increased by an amount which bears to the aggregate of the cumulo-values for all undertakings in England and Wales, as determined for the purposes of the relevant lists, the proportion which the excess bears to the yearly average supply of all undertakers therein in the basic period for the relevant lists.

(3) If there is such a deficiency as aforesaid, the cumulo-value for the undertaking shall be reduced in the proportion which the one average supply mentioned in subsection (1) of this section bears to the other.

(4) The cumulo-value for the undertaking, adjusted as aforesaid, shall be apportioned among parishes in which water hereditaments of the undertaking are situated, and the valuation officer shall make proposals for such alterations of valuation lists as are requisite for increasing or decreasing (as the case may require) the rateable values of the water hereditaments of the undertaking to accord with the apportionment.

(5) Any such proposals shall be made not later than three months before the beginning of the first rate period for which the alterations are to have effect, and in relation to such proposals subsection (1) of section forty-two of the Act of 1948 (which provides that in general alterations are to have effect as from the commencement of the rate period in which notice of a proposal was served) shall have effect as if after the words "commencement of" there were inserted the words "the year immediately following".

(6) Where in the case of any undertaking any variation falls to be made as respects any of the successive periods mentioned in subsection (1) of this section, then (whether or not the variation has taken effect) in the application, in the case of that undertaking, of the foregoing provisions of this section to any subsequent such period the following modifications shall have effect:—

- (a) for the reference in paragraph (a) of subsection (1) of this section to the basic period for the relevant lists there shall be substituted a reference to the preceding or last preceding period of five calendar years as respects which the conditions specified in paragraphs (a) and (b) of subsection (1) of this section, or those conditions as modified by this subsection, are satisfied;
- (b) for the references in subsections (2) and (3) of this section to the cumulo-value for the undertaking, as determined for the purposes of the relevant lists, there shall be substituted references to the cumulo-value as adjusted or last adjusted under this section.

(7) Save as provided by this or the next following section, no proposal shall be made for the alteration of the rateable value of a water hereditament.

**20.—**(1) Anything required under this Part of this Act to be done in determining or adjusting the cumulo-value for an undertaking, and any apportionment of a cumulo-value, shall be done or made by the Commissioners. Procedural provisions.

(2) Before the end of December last before the coming into force of the relevant lists the Commissioners shall as respects each statutory water undertaking furnish to the undertakers and to the rating authorities concerned the particulars required by the Commissioners for determining the cumulo-value for the undertaking for the purposes of those lists and also particulars of the manner in which the cumulo-value is to be apportioned among parishes.

(3) Where, after the valuation officer has transmitted a valuation list to the rating authority, but before the date on which the list is to come into force, it appears to him that in the case of a statutory water undertaking of which water hereditaments are included in the list the cumulo-value for the undertaking ought to be redetermined to conform with section eighteen of this Act

## PART II

and that on that account the list needs to be altered in any respect, he shall without making any proposal cause the list to be altered accordingly before that date.

(4) Where under section nineteen of this Act the cumulo-value for an undertaking is varied, the Commissioners shall, not later than five months before the beginning of the first rate period for which the alterations in valuation lists consequential on the variation are to have effect, furnish to the undertakers and to the rating authorities concerned the particulars required for determining the amount of the variation.

(5) Where the valuation officer transmits copies of any proposals under subsection (4) of section nineteen of this Act, he shall transmit with them particulars of the manner in which the new cumulo-value has been apportioned among parishes so as to produce the alterations in valuation lists which are the subject of the proposals.

(6) A proposal for the alteration of a valuation list so far as it relates to a water hereditament of a statutory water undertaking may be made on the grounds that the apportionment required by subsection (3) of section eighteen of this Act or subsection (4) of section nineteen of this Act was not properly made, or that the cumulo-value for the undertaking ought to be re-apportioned among parishes in which water hereditaments of the undertaking are situated.

(7) Effect shall not be given to objections to proposals under subsection (4) of section nineteen of this Act on any grounds other than the grounds that the apportionment required by that subsection was not properly made.

(8) Where, in the case of any rating area, a proposal is made falling within subsection (6) of this section, or an objection is made falling within subsection (7) thereof, the valuation officer shall cause copies of the proposal or objection to be served on the rating authority for every other rating area in which there are water hereditaments of the undertaking in question which appear relevant to the proposal or objection.

(9) Where it appears to the valuation officer that the valuation list may be affected by any such proposal or objection as aforesaid relating to another valuation list, and he makes a proposal for any consequential alteration of the first-mentioned list which appears to him to be required if effect is given, in whole or in part, to the original proposal or objection, then if the valuation officer states in his proposal that it is one to which this subsection applies any alteration of the list which is made in consequence of his proposal shall have effect as from such date as may be specified in the proposal, notwithstanding that the date is earlier than that provided by section forty-two of the Act of 1948.

(10) In proceedings on any such proposal or objection as aforesaid a local valuation court or the Lands Tribunal shall afford to



the rating authority for every such other area as aforesaid an opportunity of appearing and being heard before the court or Tribunal, and may then direct such consequential alterations as may be required in the valuation list for any such area.

(11) The reference in subsection (8) of this section to water hereditaments appearing relevant to a proposal or objection is a reference to water hereditaments of which the rateable value appears to the valuation officer (in relation to the valuation list in which that value is shown), or as the case may be to the court or Tribunal, liable to be affected by any re-apportionment in consequence of the proposal or objection.

**21.—**(1) The yearly average supply of any or all undertakers in any period shall be ascertained for the purposes of this Part of this Act as follows. Ascertainment  
of average  
water  
supplies.

(2) Subject to the provisions of this section, it shall be taken to be the aggregate of the amounts certified under the following subsection by the undertakers or all the undertakers for the calendar years comprised in the period, divided by the number of those calendar years.

(3) Not later than six months after the end of any calendar year relevant to the ascertainment of yearly average supplies for the purposes of this Part of this Act statutory water undertakers shall estimate and certify to the Commissioners, to the nearest hundred thousand gallons, the amount of water supplied by the undertakers in that calendar year, the amount so supplied in bulk, and the amount supplied in bulk during that year to the undertakers, and shall also certify whether the undertakers were supplying water during the whole of that year (disregarding any temporary suspension of supply).

(4) The duty to certify imposed on undertakers by this section shall be enforceable by mandamus at the instance of the Commissioners.

(5) Where any undertakers supply non-potable water otherwise than in bulk, they shall, in certifying under subsection (3) of this section the amount of water supplied by them, show separately (to the nearest hundred thousand gallons) the amount of non-potable water supplied by them otherwise than in bulk, and the amount of water certified as supplied by them shall be treated as reduced by one half of the said amount of non-potable water.

(6) If a certificate under subsection (3) of this section shows that all or any of the water supplied was supplied in bulk, or that the undertakers giving the certificate took a supply in bulk, or both, the amount certified as supplied shall be treated as reduced by one-half of the amount certified as supplied, or taken by way of supply, in bulk.

## PART II

(7) If the undertakers, or any of the undertakers, have certified that they were not supplying water throughout the whole of any of the calendar years in the period, the aggregate of the amounts certified by them for all such years in the period shall be taken for the purposes of subsection (2) of this section to be the aggregate of the amounts certified for the remaining such years, divided by the number of those years and multiplied by the number of calendar years in the whole period.

Supplementary provisions relating to water undertakings.

22.—(1) For the purposes of this Part of this Act the apportionment of a cumulo-value among parishes shall be done in like manner as would have been required, if this Part of this Act had not been passed, for the apportionment of the net annual value of an undertaking not including any dwelling-houses, and apportionment among rating areas shall be done in the same manner.

(2) For the purposes of this Part of this Act any estimate of the amount of water supplied shall be made by reference to the amount put out by the undertakers (and not to the amount received by the persons to whom the water was supplied).

(3) For the purposes of this Part of this Act—

references to the basic period for any valuation lists are references to the period of five calendar years ending fifteen months before the coming into force of the lists ;

“ the Commissioners ” means the Commissioners of Inland Revenue ;

“ parish ” includes any part of a parish which is subject to separate or differential rating ;

“ statutory water undertakers ” has the same meaning as in the provisions of the Water Act, 1945, other than Part II, and references to statutory water undertakings shall be construed accordingly ;

references to the supply of water in bulk are references to a supply taken by any persons for augmenting or constituting the supply to be given by them.

(4) This Part of this Act shall, in its application for the purposes of the valuation lists coming into force on the first two occasions after the passing of this Act on which new lists come into force, and in the case of new undertakings and the amalgamation or division of undertakings, have effect subject to the provisions of the Second Schedule to this Act.

(5) In the case of a statutory water undertaking which does not extend beyond the boundaries of a single parish, this Part of this Act shall have effect subject to the modifications specified in the Third Schedule to this Act.

Review of operation of Part II.

23.—(1) In the year following that in which valuation lists come into force for the second time after the passing of this Act the Minister shall, in consultation with such associations

of local authorities as appear to him to be concerned, with any local authority with whom consultation appears to him to be desirable, and with any association of statutory water undertakers, cause investigations to be made into the effect of the operation of this Part of this Act.

PART II

(2) The Minister shall cause to be laid before Parliament a report on the investigations made under this section and their result.

## PART III

*General and Supplementary*

24.—(1) Any authority to whom this section applies may make Contributions contributions in aid of rates in respect of any hereditament in aid of rates in respect of provided and maintained by the authority for purposes connected with the administration of justice, police purposes or other Crown purposes, not being a hereditament in respect of which rates are payable, and any expenses incurred under this section in relation to any hereditament shall be treated as expenses incurred in maintaining the hereditament. in aid of rates in respect of court buildings, police stations, etc.

(2) Where a contribution is made under this section in respect of a hereditament, the value upon which that contribution is computed shall be entered in the valuation list as representing the rateable value of the hereditament; and the value so entered, or the amount of the contribution, as the case may be, shall be taken into account for the purposes of ascertaining totals or the proceeds of any rate for that rating area.

(3) The foregoing subsection shall not be construed as requiring a gross value to be determined or entered in the valuation list in the case of a hereditament in respect of which a contribution is made under this section.

(4) The authorities to whom this section applies are the Receiver for the Metropolitan Police District, the councils of counties, boroughs with a separate commission of the peace or boroughs having a separate court of quarter sessions, the Common Council of the City of London, police authorities and probation committees, and references in this section to any such authority include references to two or more of them acting jointly and to joint committees of two or more of them.

25. The provisions of the Fourth Schedule to this Act (which provide for minor amendments of the law relating to valuation and rating, and amendments consequential on the provisions of this Act) shall have effect. Minor and consequential amendments.

26. There shall be defrayed out of moneys provided by Parliament— Payments out of moneys provided by Parliament.

(a) any increase attributable to this Act in the sums payable out of moneys so provided by way of Rate-deficiency

**PART III**

Grant or Exchequer Equalisation Grant under the enactments relating to local government in England or Wales, or in Scotland ;

- (b) any expenses incurred by valuation officers in carrying out their functions under this Act, including the remuneration and expenses of persons, whether in the service of the Crown or not, employed to assist valuation officers in the exercise of their said functions ;
- (c) any increase attributable to section twenty-four of this Act in the sums payable out of moneys provided by Parliament under any enactment.

**Orders and regulations.**

**27.**—(1) Any power conferred by this Act to make an order or regulations shall be exercisable by statutory instrument.

(2) Any power conferred by the provisions of this Act other than sections two and fourteen thereof to make an order shall include power, exercisable in like manner and subject to the like provisions, to vary or revoke an order by a subsequent order.

**Interpretation.**

**28.**—(1) In this Act “ the Act of 1955 ” means the Rating and Valuation (Miscellaneous Provisions) Act, 1955, “ the Minister ” means the Minister of Housing and Local Government, “ year ” (except where the reference is expressly to a calendar year) means a period of twelve months beginning with the first day of April, and other expressions used in this Act and that Act have the same meanings respectively in this Act as in that Act.

(2) In this Act “ rating authority ”, in relation to London, has the same meaning as in the Rating and Valuation (Apportionment) Act, 1928.

(3) For the purposes of this Act a proposal to alter a valuation list shall be taken to be settled when an alteration is made in the list so as to give effect to the proposal, or to an agreement made in consequence of the proposal, or when the proceedings on an appeal against, or a reference to arbitration relating to, an objection to the proposal (including any proceedings consequent on such an appeal or reference to arbitration) are finally determined, or when the proposal is withdrawn, whichever first occurs.

(4) Any reference in this Act to the alteration of a valuation list includes a reference to the insertion in the list, or the omission from the list, of a hereditament.

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

**29.**—(1) This Act may be cited as the Rating and Valuation Act, 1961. **PART III**  
Short title,

(2) The enactments specified in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, the repeals taking effect— repeals,  
saving and  
extent.

(a) in the case of the enactments specified in Part I of that Schedule, as from the coming into force of the first valuation lists to come into force after the passing of this Act,

(b) in the case of the enactments specified in Part II of that Schedule, as from the passing of this Act,

(c) in the case of the enactments specified in Part III of that Schedule, as from the day appointed under section fourteen of this Act.

(3) Section one of this Act and the foregoing subsection shall not affect the operation of section twenty-eight of the Finance Act, 1954 (which provides for a reduced rate of estate duty on industrial hereditaments in cases to which the section applies); and accordingly subsection (7) of that section (which applies the definition of “industrial hereditament” provided for rating purposes) shall have effect—

(a) in relation to land or premises in England or Wales as if for the words from “in the case of” to the beginning of the proviso there were substituted the words “would fall to be so treated apart from the provisions of the Rating and Valuation Act, 1961”,

(b) in relation to land or premises outside Great Britain as if after the words “in England” there were inserted the words “and (where the death occurred after the coming into force of the first valuation list to come into force after the passing of the Rating and Valuation Act, 1961) apart from the provisions of that Act”.

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

## SCHEDULES

## FIRST SCHEDULE

Section 11.

## CHARITIES EXCLUDED FROM MANDATORY RELIEF

1. The universities of Birmingham, Bristol, Cambridge, Durham, Exeter, Hull, Leeds, Leicester, Liverpool, London, Manchester, Nottingham, Oxford, Reading, Sheffield, Southampton and Wales.
2. The colleges, institutes and schools of the universities of Durham, London and Wales, with the exception of the following colleges of the University of Durham, that is to say, the College of the Venerable Bede, St. Chad's College and St. John's College.
3. The university college of North Staffordshire.
4. The Manchester College of Science and Technology.

Section 22.

## SECOND SCHEDULE

TRANSITIONAL PROVISIONS AS TO VALUATION OF  
STATUTORY WATER UNDERTAKINGS

## PART I

## APPLICATION OF PART II OF ACT TO FIRST NEW LISTS

1. Part II of this Act shall have effect subject to the following modifications where the relevant lists are the first valuation lists coming into force after the passing of this Act.

2.—(1) The cumulo-value for any statutory water undertaking determined for the purposes of the previous lists shall be taken to be the aggregate of the rateable values of all water hereditaments of the undertaking, as shown in the valuation lists at the beginning of November, nineteen hundred and sixty:

Provided that if that aggregate, divided by the yearly average supply of the undertakers in the basic period for the previous lists, exceeds the following amount, that is to say, six-fourths of the sum of the like aggregates for all statutory water undertakings in England and Wales, divided by the yearly average supply of all statutory water undertakers therein in the basic period for the previous lists, the said cumulo-value shall be taken to be that amount multiplied by the yearly average supply of the undertaking in the basic period for the previous lists.

(2) Where a valuation list in force at the beginning of November, nineteen hundred and sixty, has been altered as respects a water hereditament of any undertaking, and the alteration was made in pursuance of a proposal served on the valuation officer before that date, or of a proposal made by him of which he had duly transmitted copies to the occupier and the rating authority before that date, then the aggregate of the rateable values of water hereditaments of the undertaking shall be ascertained for the purposes of this paragraph as if the alteration had been made before that date:

Provided that this sub-paragraph shall not affect the calculation of the amount mentioned in the proviso to the foregoing sub-paragraph, and the aggregate of cumulo-values mentioned in paragraph (a) of subsection (2) of section eighteen of this Act shall be calculated as if the cumulo-value mentioned in sub-paragraph (1) of this paragraph had fallen to be ascertained without regard

to any such alteration as aforesaid made after the end of March, nineteen hundred and sixty-two. 2ND SCH.

(3) If the valuation list coming into force next after that mentioned in the foregoing sub-paragraph has been transmitted to the rating authority when the alteration so mentioned is made, the list shall (without any proposal) have effect, and if it has come into force be deemed always to have had effect, subject to such alterations as the valuation officer may direct for giving effect to that sub-paragraph.

3. The basic period for the previous lists shall be the period of four calendar years ending with the year nineteen hundred and fifty-nine, and the basic period for the relevant lists shall be the period of two calendar years ending fifteen months before the coming into force of the relevant lists.

4. For the purposes of paragraph (d) of subsection (2) of section eighteen of this Act hereditaments of the following descriptions shall be disregarded, that is to say, water hereditaments of any undertaking, industrial or freight-transport hereditaments, dwelling-houses, private garages or private storage premises (within the meaning of the Valuation for Rating Act, 1953) and hereditaments the gross value of which was determined for the purposes of the previous lists in accordance with section four of that Act (which relates to certain hereditaments partly used as private dwellings).

5. References in section nineteen of this Act to a period of five calendar years do not include references to any period beginning before the basic period for the relevant lists, but do include references to a period of three or four calendar years beginning with that basic period.

6. The latest time for the furnishing, under subsection (3) of section twenty-one of this Act, of certificates relating to any of the years nineteen hundred and fifty-six to nineteen hundred and sixty inclusive shall be the end of the month beginning with the passing of this Act.

## PART II

### APPLICATION OF PART II OF ACT TO SECOND NEW LISTS

7. Where the relevant lists are the valuation lists coming into force next after those mentioned in paragraph 1 of this Schedule, Part II of this Act shall have effect subject to the modification that the basic period for the previous lists shall be the period of two calendar years ending fifteen months before the coming into force of the previous lists.

## PART III

### MODIFICATIONS IN CASES OF NEW UNDERTAKINGS, AMALGAMATIONS, ETC.

8.—(1) The following provisions of this paragraph shall have effect as respects cases where a statutory water undertaking is changed (by acquisition, merger or division) into part or the whole of one or more other such undertakings (hereinafter referred to as new undertakings).

## 2ND SCH.

(2) Where the relevant lists come into force at the same time as the change, then in determining the cumulo-value for the purposes of those lists—

- (a) paragraphs (a) to (d) of subsection (2) of section eighteen of this Act shall be applied separately to the cumulo-values, as determined for the purposes of the previous lists, for each of the undertakings comprised in a new undertaking ;
- (b) where a new undertaking consists of or comprises a part of an undertaking, the said paragraphs (a) to (d) shall first be applied to the whole of that undertaking and the resulting cumulo-value shall be divided between the parts of the undertaking ;
- (c) in any case, the cumulo-value for a new undertaking shall be the aggregate of the sums determined for the undertakings or parts of undertakings comprised in the new undertaking after the application of those paragraphs and any division in accordance with head (b) of this sub-paragraph.

(3) Where the change takes place during the currency of any valuation lists, the following provisions shall have effect for the period between the change and the coming into force of the first valuation lists to come into force after the change :—

- (a) for the year in which the change takes place the rateable values of hereditaments which on the change become water hereditaments of a new undertaking shall be the same as they were before the change, the rateable value of any water hereditament of a new undertaking which is part of a hereditament which before the change was a water hereditament of another undertaking being ascertained by the Commissioners by apportionment ;
- (b) for any subsequent year the rateable values of water hereditaments of a new undertaking shall be such as the Commissioners may determine to be appropriate having regard to the cumulo-values for the undertakings wholly or partly comprised in the new undertaking ;
- (c) without prejudice to the generality of head (a) of this sub-paragraph, no alteration shall be made under section nineteen of this Act as respects water hereditaments of a new undertaking so as to affect the rateable values of such hereditaments for the year in which the change took place ;
- (d) in the application of the said section nineteen (for any subsequent year) as respects any period of years ending after the change—
  - (i) the undertakers carrying on a new undertaking shall be treated as having had in periods beginning before the change a yearly average supply ascertained by reference to the yearly average supplies of the undertakers carrying on the undertakings wholly or partly comprised in the new undertaking, and



(ii) the cumulo-value of a new undertaking shall be taken to be an amount ascertained by the Commissioners as that which appears to them appropriate having regard to the said cumulo-values ;

and in determining the cumulo-value for a new undertaking for the purposes of the first valuation lists coming into force after the time of the change, the Commissioners shall ascertain the amount which appears to them appropriate to be treated as the cumulo-value for the new undertaking for the purposes of the previous lists and as the yearly average supply of the new undertaking for any relevant period and shall proceed accordingly.

(4) For the purpose of giving effect—

- (a) to any determination under head (b) of the foregoing subparagraph,
- (b) to any determination of the cumulo-value for a new undertaking for the purposes of the first valuation lists coming into force after the time of the change where the lists have already been transmitted to rating authorities,

such alterations shall be made in valuation lists (without any proposal) as the valuation officer may direct, and if the lists have come into force they shall be deemed always to have had effect subject to those alterations.

(5) If at the time of the change any undertaking wholly or partly comprised in a new undertaking has not given any certificate required by subsection (3) of section twenty-one of this Act, it shall be the duty of the new undertaking to give the certificate, and subsection (4) of that section shall apply accordingly.

(6) For the purposes of the foregoing provisions of this paragraph the Commissioners shall make such aggregations or apportionments, or both, of cumulo-values and of amounts of water certified as supplied as the case may require, but before making any aggregation or apportionment of amounts of water certified as supplied the Commissioners shall hold such consultations as appear to them appropriate.

9.—(1) Where an undertaking for the supply of water, not being a statutory water undertaking,—

- (a) is acquired by statutory water undertakers, with or without a statutory water undertaking being acquired by them at the same time, or is merged with one or more undertakings for the supply of water of which at least one is a statutory water undertaking, or
- (b) becomes a statutory water undertaking,

the Minister may by order direct that the foregoing paragraph if not otherwise applicable shall apply, but subject to such modifications as may be specified in the order, and if otherwise applicable shall apply subject to such modifications as may be so specified, or the Minister may by order direct that hereditaments occupied for the purposes of the acquiring undertakers, the undertaking created

2ND SCH. by the merger or the new statutory undertaking, as the case may be, shall be valued for rating purposes in such other manner as may be specified by the order.

(2) An order under this paragraph providing for valuation in any such other manner as aforesaid may apply, restrict or modify the enactments relating to proposals for alterations of valuation lists and to appeals in connection with such lists and to the withholding of rates where proposals are pending.

(3) An order under this paragraph may be made with respect to undertakings generally or any specified description of undertakings, or with respect to a particular undertaking, and may make different provisions for hereditaments of different descriptions.

(4) Any statutory instrument containing an order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

10.—(1) Where—

- (a) the first calendar year during the whole of which the undertakers carrying on a statutory water undertaking supply water (hereinafter referred to as “the initial year”) is later than the year nineteen hundred and fifty-nine, and
- (b) the undertaking is not such a new undertaking as is referred to in sub-paragraph (1) of paragraph 8 of this Schedule or an undertaking as respects which an order may be made under the foregoing paragraph,

the undertakers shall certify to the Commissioners that the undertaking is one to which this paragraph applies and the following provisions of this paragraph shall have effect.

(2) So long as the relevant lists are lists coming into force in a calendar year earlier than the tenth after the initial year,—

- (a) the rateable values of water hereditaments of the undertaking shall not be ascertained in accordance with section eighteen of this Act but by apportioning the cumulo-value for the undertaking for the year, as hereinafter determined, among parishes in which water hereditaments of the undertaking are situated,
- (b) no variation of those rateable values shall be made under section nineteen of this Act,

and in the application of those sections to any other undertaking in any such case the first-mentioned undertaking shall be disregarded for all purposes.

(3) The cumulo-value for the undertaking for any year during the currency of valuation lists coming into force as aforesaid shall be the amount obtained by multiplying the aggregate of the cumulo-values for all statutory water undertakings in England and Wales for which such values fall to be determined under section eighteen of this Act, being the values determined for the purposes of the valuation lists current during that year, by the amount of water hereinafter mentioned, and dividing the product by the yearly average supply of all such undertakings in the basic period for those lists.

(4) For any such year not later than the ninth of the years in which the undertakers fall to be rated the said amount of water is the amount of water supplied by the undertakers in the period specified in relation to the year in question in the following table, reduced, where that period exceeds twelve months, in the proportion which twelve months bears to that period or increased, where the undertaking was operating during a part only of that period, in the proportion which the whole period bears to that part.

| <i>Year.</i>     | <i>Period of supply.</i>                                                                                                                                                 |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| First.           | The first year.                                                                                                                                                          |
| Second to fifth. | The twelve months ending with December in the year for which the period is being determined.                                                                             |
| Sixth to ninth.  | The period beginning with the end of December last before the beginning of the fifth year and ending with December in the year for which the period is being determined. |

(5) For the tenth, eleventh and any subsequent such year the said amount is one-fifth of the amount of water supplied by the undertakers over the period of five calendar years ending next before the beginning of the year in question.

(6) If during the whole or any part of any period mentioned in sub-paragraph (4) or (5) of this paragraph the undertakers were giving or receiving a supply of water in bulk, or both, the amount of water supplied over the period shall be treated as reduced by one-half of the amount of the supply or supplies in bulk.

(7) If during the whole or any part of any such period as aforesaid the undertakers were giving a supply of non-potable water, otherwise than in bulk, the amount of water supplied over the period shall be treated as reduced by one half of the amount of non-potable water so supplied by them.

(8) It shall be the duty of the undertakers, enforceable by mandamus at the instance of the Commissioners,—

- (a) for the twelve months or each twelve months of any of the periods mentioned in sub-paragraph (4) or (5) of this paragraph to furnish to the Commissioners, not later than the end of June last before the beginning of that twelve months (or, where the undertaking had not then begun to operate, as soon as may be after it began), a provisional estimate, to the nearest hundred thousand gallons, of the amount of water expected to be supplied by the undertakers during those twelve months and of the amount of any supply in bulk expected to be given or taken by them during those twelve months ;
- (b) not later than six months after the end of any such twelve months as aforesaid, to estimate and certify to the Commissioners, to the nearest hundred thousand gallons, any such amount as aforesaid ;

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- (c) to show separately (to the nearest hundred thousand gallons), in any such provisional estimate or certificate as aforesaid, any amount of non-potable water supplied by the undertakers otherwise than in bulk.

The provisional estimate furnished under head (a) of this sub-paragraph for the twelve months or the first twelve months therein referred to shall include a statement of the date on which the undertaking began to operate or, if it has not begun to operate when the estimate is furnished, of the date on which it is expected to begin to operate, and in the latter case the estimate under head (b) of this sub-paragraph shall include a statement of the date on which the undertaking began to operate.

(9) Cumulo-values under this paragraph shall in the first place be determined in accordance with the said provisional estimates, in so far as estimates under head (b) of the foregoing sub-paragraph are not available; and the valuation officer, in any year in which he does not transmit new valuation lists, shall notify to rating authorities before the end of December the amounts of the rateable values apportioned to parishes under this paragraph for the following year, and on or as soon as may be after the beginning of the said following year shall give directions for the alteration of valuation lists accordingly without any proposal.

(10) The functions conferred on a valuation officer by the foregoing sub-paragraph shall not be exercisable in respect of an undertaking where the following year mentioned in that sub-paragraph is the first year in which the undertaking operates or where it is the second such year and, by reason of the lateness of the time by which the undertakers furnish provisional estimates, it is not practicable for the valuation officer to ascertain what alterations of valuation lists are required for water hereditaments of the undertaking for that year; but in the case of any such year (including any such year which is the first for which new valuation lists are in force) the valuation officer shall as soon as may be give directions for such entries or alterations to be made in valuation lists, without any proposal, as the case may require, and the entries or alterations shall have effect as from the beginning of the year in question.

(11) Cumulo-values under this paragraph shall be finally determined in accordance with the amounts certified under head (b) of sub-paragraph (8) of this paragraph, and any entry in a valuation list made on the basis of provisional estimates shall be corrected, on a direction given by the valuation officer and without any proposal, so as to conform with the cumulo-values as finally determined.

Any such correction shall have effect as from the beginning of the year to which it relates.

(12) In the application of section twenty of this Act to the valuation of hereditaments in accordance with this paragraph:—

- (a) the following provision shall have effect in substitution for subsection (2), that is to say that not later than five months before the beginning of any year for which this paragraph applies the Commissioners shall furnish to the

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undertakers and to the rating authorities concerned the particulars required by the Commissioners for determining the cumulo-value for the undertaking for the year and also particulars of the manner in which the cumulo-value is to be apportioned among parishes ;

- (b) for the references in subsection (3) to section eighteen of this Act, and in subsection (6) to subsection (3) of the said section eighteen, there shall be substituted respectively references to this paragraph and to head (a) of sub-paragraph (2) of this paragraph ;
- (c) subsections (4), (5) and (7) do not apply.

(13) In determining, under section eighteen of this Act, the cumulo-value for the undertaking where the relevant lists are the first valuation lists to come into force in a calendar year later than the ninth after the initial year, subsection (2) of that section shall apply subject to the modifications that for references to the cumulo-value as determined for the purposes of the previous lists there shall be substituted references to the latest cumulo-value as finally determined under the foregoing provisions of this paragraph, and that paragraphs (a) and (b) of the said subsection (2) shall not apply.

11. Subsection (7) of section nineteen of this Act has effect subject to the provisions of this Part of this Schedule.

### THIRD SCHEDULE

Section 22.

#### MODIFICATIONS OF PART II OF ACT WHERE UNDERTAKING CONFINED TO ONE PARISH

1. Subsection (1) of section eighteen shall have effect as if the words from "the values ascertained" to "apportioning" and the words "for the undertaking as a whole" were omitted.

2. Subsection (2) of section eighteen shall have effect as if for the words from the beginning of paragraph (c) to the end of the subsection there were substituted a provision that the cumulo-value as determined for the purposes of the previous lists, adjusted (unless neither of paragraphs (a) or (b) of that subsection has effect) in accordance with those paragraphs, shall be further adjusted as mentioned in paragraph (d) of that subsection, and that the said cumulo-value as so adjusted and further adjusted shall be the cumulo-value for the undertaking determined for the purposes of the relevant lists.

3. Subsection (3) of section eighteen shall have effect as if for the words from the beginning to "accordingly" there were substituted the words "The cumulo-value for the undertaking determined for the purposes of the relevant lists shall be shown as the rateable value", and as if at the end there were added the words "but no net annual values shall be so shown".

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4. Subsection (4) of section nineteen shall have effect as if the words from the beginning to "situated, and" were omitted and as if for the words "the apportionment" there were substituted the words "the variation of the cumulo-value".

5. Section twenty shall have effect as if in subsection (2) the words from "and also particulars" to the end, subsections (5) and (6), in subsection (7) the words from "on any grounds" to the end, and subsections (8) to (11) were omitted.

6. Paragraph 10 of the Second Schedule shall have effect as if in head (a) of sub-paragraph (2) for the words from "not be" to the end there were substituted the words "be the cumulo-value for the undertaking for the year, as hereinafter determined", in sub-paragraph (9) for the words from "the amounts of" to "parishes" there were substituted the words "the rateable value ascertained" and in head (a) of sub-paragraph (12) the words from "and also particulars" to the end were omitted.

## Section 25.

## FOURTH SCHEDULE

## MINOR AND CONSEQUENTIAL AMENDMENTS

1. Subsection (1) of section twenty-one of the Act of 1925 (which relates to the contents of valuation lists) shall have effect, in relation to valuation lists coming into force after the passing of this Act, as if after the words "the value thereof" there were inserted the words "and such particulars with respect to totals of values, both in respect of the whole rating area and in respect of any parish or other area which is liable to be charged separately in respect of any expenses".

2.—(1) A building shall be treated as an agricultural building for the purposes of the Rating and Valuation (Apportionment) Act, 1928, if it is used solely in connection with agricultural operations carried on on agricultural land and is occupied either—

(a) by the occupiers of all that land, or

(b) by individuals who are appointed by the said occupiers for the time being to manage the use of the building and of whom each is an occupier of some of the land or a member of the board of directors or other governing body of such an occupier, being a body corporate:

Provided that this sub-paragraph shall not have effect if the number of the occupiers of all the said land exceeds twenty-four, two or more persons occupying jointly being counted as one (but as a separate person from any of them who are occupying any of the land severally).

(2) Land occupied with a building as respects which the foregoing sub-paragraph has effect and used solely in connection with the use of the building shall be treated as agricultural land for the purposes of the said Act of 1928.

3.—(1) Notwithstanding anything in section thirty-three of the Act of 1948 (which requires valuation lists to be prepared and

amended in accordance with provisions contained in Part III of that Act), a valuation officer may, if so requested by the rating authority and if satisfied that a hereditament has ceased to exist, cause the hereditament to be deleted from the valuation list without complying with those provisions, but section forty-two of that Act (which relates to the effect of alterations of valuation lists made in pursuance of proposals under the said Part III) shall apply in relation to the alteration of the valuation list under this paragraph as it applies in relation to the alteration of a valuation list in pursuance of a proposal with the substitution for the references in that section to any rate current at a date specified therein of references to any rate current at the date of the request.

(2) The foregoing sub-paragraph shall come into force on the expiration of the period of one month beginning with the passing of this Act.

4.—(1) The power conferred on any person by section forty of the Act of 1948 to make a proposal for the alteration of a valuation list shall, in a case where an earlier proposal in relation to a hereditament has been made under that section but not settled, include power to make a further proposal for the alteration of the list in relation to that hereditament, the further proposal being contingent on an alteration being made in consequence of the earlier proposal.

(2) The foregoing sub-paragraph shall come into force on the expiration of the period of one month beginning with the passing of this Act.

5.—(1) Where after the first day of October, nineteen hundred and sixty-one a proposal is made for the alteration of a valuation list so far as it relates to a hereditament and before it is settled a further proposal is made (otherwise than by the occupier) for the alteration of the list in relation to that hereditament, then if no notice of objection to the further proposal is served under section forty-one of the Act of 1948 within the time limited for the purpose,—

- (a) the occupier shall, for the purpose of subsections (4) to (7) of that section (which provide the procedure to be followed according as whether such a notice is, or is not, served) be deemed to have served such a notice on the last day for doing so; and
- (b) the valuation officer, in transmitting the copy of the proposal to the clerk of the appropriate local valuation panel under subsection (6) of that section shall, instead of transmitting a copy of the notice of objection thereto, transmit a notification that the occupier is deemed to have served such a notice, and where such a notification has been transmitted subsection (7) of that section shall apply as if a copy of the notice of objection had been so transmitted with a copy of the proposal.

(2) Where under the said subsection (7) as applied by the foregoing sub-paragraph transmission of a copy of a proposal relating to any hereditament has effect as an appeal to a local valuation court, the court may hear and determine the appeal together with any

4TH SCH. appeal against objections to earlier proposals relating to that hereditament, but except as aforesaid the court may not hear the first-mentioned appeal before all earlier proposals relating to the hereditament are settled.

(3) In relation to valuation lists coming into force after the passing of this Act subsection (6) of section forty-one of the Act of 1948 (which provides for the reference to a local valuation court of proposals for the alteration of a valuation list which are objected to within a specified time of the relevant date, that is to say the date on which the proposal was made by, or served on, the valuation officer) shall, in any case where the relevant date for the purposes of that subsection falls on or after the first anniversary of the coming into force of the valuation lists to which the proposal relates, have effect as if for any references to six months and to five months there were substituted references to four months and to three months respectively.

(4) Section sixty-six of the Act of 1948 (which places the owner of certain hereditaments in the same position as the occupier for the purposes of Part III of that Act) shall apply for the purposes of this paragraph as it applies for the purposes of that Part of that Act.

6.—(1) On the making of an alteration in the valuation list with respect to any hereditament no liability shall be imposed or right conferred by virtue of subsection (3) of section forty-two of the Act of 1948 (which provides for the payment or repayment of the difference between rates paid and rates due where the latter are affected by an alteration in the valuation list made in pursuance of a proposal) to pay or receive the said difference on a person who had ceased to occupy or own the hereditament before the date when the proposal for the alteration was served on the valuation officer, or, if the proposal was made by the valuation officer, when notice thereof was served on the occupier of the hereditament.

(2) The foregoing sub-paragraph shall not apply in relation to any proposal or notice served before the expiration of the period of one month beginning with the passing of this Act.

7. In section forty-nine of the Act of 1948 (which, as amended, provides an appeal from decisions of a local valuation court to the Lands Tribunal) for the words “twenty-one days from the date of the decision” there shall be substituted the words “such period as may be prescribed by rules made by the Lord Chancellor under section three of the Lands Tribunal Act, 1949”.

8. Section sixty-four of the Act of 1948 (which enables hereditaments which have been separately assessed to be included in the same objection, proposal or other proceeding under Part III of the Act of 1948 if they are comprised in the same valuation list) shall not enable hereditaments to be included in the same proceeding under the said Part III unless they are owned or occupied by the same person or are comprised in the same building.

9.—(1) Paragraph (d) of subsection (1) of section twenty-two of the Act of 1925 (which provides for assessing rateable values, and net annual values where they are the same as rateable values, to



the nearest pound) shall apply to all net annual values, and accordingly in that paragraph for the word "and" there shall be substituted the word "or", and the words from "in a case" to the second "of the rateable value" and from "of both" to the first "as the case may be" shall be omitted.

4TH SCH.

(2) This paragraph shall have effect for the purposes of valuation lists coming into force at any time after the passing of this Act.

10.—(1) The purposes for which the Minister may make regulations under section seventy-one of the Act of 1948 shall include the making of provision whereby hereditaments which are within the same curtilage, or are contiguous and in the same occupation, but (in either case) not in one local valuation panel area shall be treated for the purposes of the provisions of that Act relating to appeals to local valuation courts as both or all being within such one of the local valuation panel areas in question as may be determined by or under the regulations.

(2) In this paragraph "local valuation panel area" means an area for which a local valuation panel is constituted by a scheme under section forty-five of the Act of 1948.

(3) Regulations made by virtue of this paragraph may revoke so much of schemes under the said section forty-five as makes provision for treating as in the same area hereditaments which are within the same curtilage or contiguous and in the same occupation.

11. Where a rural district council apprehend that a precept will be issued to the council to meet expenses of the council of a borough included in the rural district or of a parish council or parish meeting, being expenses which will be required to be defrayed out of the proceeds of a rate for any rate period, but at the time when the rural district council propose to make the rate the precept has not been issued, the council may estimate for what amount the precept will be issued and make the rate by reference to the estimate, and shall in a subsequent rate period make any necessary adjustment by increasing or decreasing, as the case may require, the amount to be levied in the borough or parish as an additional item of the rate.

12. In subsection (2) of section thirty-nine of the Act of 1948 (which expressly provides for rating authorities to give effect to directions for altering valuation lists) after the words "1955" there shall be inserted the words "or the Rating and Valuation Act, 1961".

13.—(1) So much of subsection (2) of section three of the Valuation for Rating Act, 1953, as provides that a hereditament in which the whole, or substantially the whole, of the available accommodation is used for the letting of rooms singly for residential purposes shall for the purposes of that Act be deemed not to be used for the purposes of a private dwelling or private dwellings shall not apply in relation to a hereditament in which the whole, or substantially the whole, of that accommodation consists of dwellings—

(a) which have at any time been approved under section one of the Housing (Financial Provisions) Act, 1958 (dwellings

## 4TH SCH.

qualifying for exchequer subsidies) or the corresponding provision of any Act of the present Session relating to the giving of financial assistance for the provision of housing accommodation ;

- (b) which have been provided or improved in accordance with proposals approved under section nine of the said Act of 1958 (contributions for dwellings improved by local authorities); or
- (c) in respect of which grants have at any time been paid to a housing association or development corporation under section twelve of the said Act of 1958 (grants for dwellings improved by housing associations or development corporations under arrangements with local authorities) or section thirty of that Act (grants for dwellings improved by persons other than local authorities).

(2) Any reference in the foregoing sub-paragraph to any provision of the said Act of 1958 includes a reference to the corresponding provision of any enactment repealed by that Act.

(3) An alteration in a valuation list made in pursuance of a proposal made for the purpose of giving effect to sub-paragraph (1) of this paragraph, being an alteration which would by virtue of subsection (1) of section forty-two of the Act of 1948 (alterations retrospective to beginning of current rate period) be deemed to have had effect as from a date before the passing of this Act, shall be deemed to have had effect as from the passing of this Act.

14. In section one of the Act of 1955, in paragraph (c) of subsection (7), for the word "year" there shall be substituted the words "period of six months".

15.—(1) The deductions from rates provided for by the London (Rating) Scheme, 1901, made under subsection (1) of section ten of the London Government Act, 1899 (which deductions were given in lieu of previous reliefs from rates replaced by the general rate), shall not be made, and accordingly so much of that subsection as requires any such provision to be included in a scheme under that Act shall cease to have effect.

(2) This paragraph shall have effect for the purposes of valuation lists coming into force at any time after the passing of this Act.

16. The provisions of the Distress for Rates Act, 1960, with respect to the service of summonses and execution of warrants shall have effect notwithstanding the provisions of section twelve of the Metropolitan Police Act, 1839 (which requires that all summonses and warrants issued by a magistrate in the Metropolitan Police District shall be served and executed by a metropolitan police constable), and accordingly the saving for the operation of that section contained in subsection (3) of section twelve of the said Act of 1960 shall cease to have effect.

FIFTH SCHEDULE  
ENACTMENTS REPEALED  
PART I

Section 29.

ENACTMENTS REPEALED AS FROM COMING INTO FORCE  
OF FIRST NEW VALUATION LISTS

| Session and Chapter       | Short Title                                                      | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------|------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6 & 7 Vict.<br>c. 36.     | The Scientific Societies Act, 1843.                              | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 18 & 19 Vict.<br>c. 128.  | The Burial Act, 1855 ...                                         | Section fifteen.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 32 & 33 Vict.<br>c. 40.   | The Sunday and Ragged Schools (Exemption from Rating) Act, 1869. | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 51 & 52 Vict.<br>c. 41.   | The Local Government Act, 1888.                                  | In section three, in paragraph (xv), the words from the beginning to "1843".                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 59 & 60 Vict.<br>c. 25.   | The Friendly Societies Act, 1896.                                | In section two, in paragraph (c) of subsection (1), the words from "and societies" to "fine arts".                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 62 & 63 Vict.<br>c. 14.   | The London Government Act, 1899.                                 | In section ten, in subsection (1), the words from "but shall" to the end.                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 15 & 16 Geo. 5.<br>c. 90. | The Rating and Valuation Act, 1925.                              | In section eleven, in subsection (1), paragraph (b).<br>In section twenty-two, in paragraph (a) of subsection (1), the words from "and also" to "assessment" in the second place where it occurs, in paragraph (c) of that subsection the words from "except that" to the end of the paragraph, in paragraph (d) of that subsection the words from "in a case" to the second "of the rateable value" and from "of both" to the first "as the case may be", and subsections (2) and (3).<br>In the Second Schedule, Parts II and III. |
| 18 & 19 Geo. 5.<br>c. 44. | The Rating and Valuation (Apportionment) Act, 1928.              | Section one.<br>In section two, subsection (1).<br>Sections three to six.<br>In section seven, in subsection (1), paragraph (b).<br>In section ten, in subsection (2), the words from "and the expression" to the end.                                                                                                                                                                                                                                                                                                               |
| 19 & 20 Geo. 5.<br>c. 17. | The Local Government Act, 1929.                                  | Sections sixty-eight, sixty-nine and seventy-three.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 7 & 8 Geo. 6.<br>c. 31.   | The Education Act, 1944                                          | Section sixty-four.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

## 5TH SCH.

| Session and Chapter                              | Short Title                                                                                         | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------|-----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9 & 10 Geo. 6. c. lii.<br>11 & 12 Geo. 6. c. 26. | The Birmingham Corporation Act, 1946.<br>The Local Government Act, 1948.                            | Section fifty-four.<br>In section forty-two, in paragraph (c) of subsection (2), the words "industrial or freight transport", where they first occur, and the words from "or of a change" to "respectively".<br>In section fifty-six, the words "hoarding, frame, post, wall or".<br>Section one hundred and twenty-two.                                                                                                                  |
| 2 & 3 Eliz. 2. c. 70.<br>4 & 5 Eliz. 2. c. 9.    | The Mines and Quarries Act, 1954.<br>The Rating and Valuation (Miscellaneous Provisions) Act, 1955. | In section one hundred and ninety-one, subsection (7).<br>In section one, in subsection (2), the words from "and (in addition" to the end.<br>In section four, subsections (5) and (6).<br>In section five, paragraph (b) of subsection (6), and subsection (7).<br>Section eight.<br>In section sixteen, in subsection (5), the words "regulations or" and the words from "and any" to the end of the subsection.<br>The Fifth Schedule. |
| 7 & 8 Eliz. 2. c. 36.                            | The Rating and Valuation Act, 1959.                                                                 | Section two.                                                                                                                                                                                                                                                                                                                                                                                                                              |

## PART II

## ENACTMENTS REPEALED AS FROM PASSING OF ACT

| Session and Chapter                   | Short Title                                                    | Extent of Repeal                                                                                |
|---------------------------------------|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| 15 & 16 Geo. 5. c. 90.                | The Rating and Valuation Act, 1925.                            | In section sixty-eight, the proviso to the definition of "gross value".<br>Section twenty-five. |
| 15 & 16 Geo. 6. & 1 Eliz. 2. c. viii. | The London County Council (General Powers) Act, 1952.          |                                                                                                 |
| 1 & 2 Eliz. 2. c. 42.                 | The Valuation for Rating Act, 1953.                            | Section six.                                                                                    |
| 4 & 5 Eliz. 2. c. 9.                  | The Rating and Valuation (Miscellaneous Provisions) Act, 1955. | Section ten.                                                                                    |
| 8 & 9 Eliz. 2. c. 12.                 | The Distress for Rates Act, 1960.                              | In section twelve, in subsection (3), the words from "and the provisions" to the end.           |

## PART III

5TH SCH.

## ENACTMENTS REPEALED AS FROM DAY APPOINTED UNDER S. 14

| Session and Chapter                         | Short Title                                                                     | Extent of Repeal                                                                                                                                |
|---------------------------------------------|---------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| 17 Geo. 2. c. 38<br>32 & 33 Vict.<br>c. 41. | The Poor Relief Act, 1743<br>The Poor Rate Assessment and Collection Act, 1869. | Section thirteen.<br>Section eighteen.<br>In section nineteen, the words from the beginning to "aforesaid; and".                                |
| 15 & 16 Geo. 5.<br>c. 90.                   | The Rating and Valuation Act, 1925.                                             | In section two, subsection (9).<br>In section sixty, in subsection (1), the words "rate book (whether current or closed)".                      |
| 12 & 13 Geo. 6.<br>c. lv.                   | The London County Council (General Powers) Act, 1949.                           | In section forty-three, in subsection (1), the words "and (9)".                                                                                 |
| 4 Eliz. 2. c. 9...                          | The Rating and Valuation (Miscellaneous Provisions) Act, 1955.                  | In section four, in subsection (2), in paragraph (a), the words "to any rate book, or", and subsection (4).<br>Part II of the Seventh Schedule. |

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*Table of Statutes referred to in this Act*

| Short Title                                                        | Session and Chapter         |
|--------------------------------------------------------------------|-----------------------------|
| Metropolitan Police Act, 1839 ... ..                               | 2 & 3 Vict. c. 47.          |
| Scientific Societies Act, 1843 ... ..                              | 6 & 7 Vict. c. 36.          |
| Burial Act, 1855 ... ..                                            | 18 & 19 Vict. c. 128.       |
| Sunday and Ragged Schools (Exemption from Rating) Act, 1869 ... .. | 32 & 33 Vict. c. 40.        |
| Local Loans Act, 1875 ... ..                                       | 38 & 39 Vict. c. 83.        |
| Merchant Shipping Act, 1894 ... ..                                 | 57 & 58 Vict. c. 60.        |
| London Government Act, 1899 ... ..                                 | 62 & 63 Vict. c. 14.        |
| Open Spaces Act, 1906 ... ..                                       | 6 Edw. 7. c. 25.            |
| Rating and Valuation (Apportionment) Act, 1928 ... ..              | 18 & 19 Geo. 5. c. 44.      |
| Local Government Act, 1929 ... ..                                  | 19 Geo. 5. c. 17.           |
| Physical Training and Recreation Act, 1937 ...                     | 1 Edw. 8 & 1 Geo. 6. c. 46. |
| Education Act, 1944 ... ..                                         | 7 & 8 Geo. 6. c. 31.        |
| Water Act, 1945 ... ..                                             | 8 & 9 Geo. 6. c. 42.        |
| Lands Tribunal Act, 1949 ... ..                                    | 12, 13 & 14 Geo. 6. c. 42.  |
| Valuation for Rating Act, 1953 ... ..                              | 1 & 2 Eliz. 2. c. 42.       |
| Finance Act, 1954 ... ..                                           | 2 & 3 Eliz. 2. c. 44.       |
| Mines and Quarries Act, 1954 ... ..                                | 2 & 3 Eliz. 2. c. 70.       |
| Rating and Valuation (Miscellaneous Provisions) Act, 1955 ... ..   | 4 & 5 Eliz. 2. c. 9.        |
| Housing (Financial Provisions) Act, 1958 ...                       | 6 & 7 Eliz. 2. c. 42.       |
| Distress for Rates Act, 1960 ... ..                                | 8 & 9 Eliz. 2. c. 12.       |

**CHAPTER 46****ARRANGEMENT OF SECTIONS****Section**

1. Power of incorporated companies to create floating charges.
2. Creation of floating charges by Scottish companies.
3. Effect of floating charges in relation to heritable property in Scotland.
4. Extension of power of court to wind up a company.
5. Ranking of floating charges.
6. Registration of charges.
7. Further amendment to Act of 1948.
8. Interpretation.
9. Citation, extent and commencement.

**SCHEDULES:**

First Schedule—Form of Instrument of Charge.

Second Schedule—Registration of Charges.

**An Act to amend the law of Scotland so as to empower companies to give security by way of floating charges; and for purposes connected therewith. [27th July, 1961]**

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

**Power of incorporated companies to create floating charges.**

**1.—(1)** It shall be competent under the law of Scotland for an incorporated company (whether a company within the meaning of the Act of 1948 or not), for the purpose of securing any debt incurred or to be incurred by it (including any balance arising or which may arise on cash account), to create in favour of the creditor a charge, in this Act referred to as a floating charge, over all or any of the property, heritable and moveable, which may from time to time be comprised in its property and undertaking.

**(2)** A floating charge created by a company shall not affect any property which ceases prior to the commencement of the winding up of the company to be comprised in, and remains outwith, the company's property and undertaking, but shall on the commencement of the winding up of the company, subject to sections one hundred and six A and three hundred and twenty-two of the Act of 1948 (which relate among other things to the validity of floating charges), attach to the property then comprised in the company's property and undertaking not being excepted property, but subject to the rights of any person who—

- (a)** has effectually executed diligence on the property or any part of it, or
- (b)** holds a fixed security over the property or any part of it ranking in priority to the floating charge, or

(c) holds over the property or any part of it another floating charge so ranking ;

and, subject as aforesaid, the provisions of the Act of 1948 relating to winding up, except paragraph (c) of subsection (1) of section three hundred and twenty-seven thereof, shall have effect as if the charge were a fixed security over the property to which it has attached in respect of the principal of the debt to which it relates and any interest due thereon :

Provided that nothing in this subsection shall prejudice the operation of subsection (5) of section three hundred and nineteen of the Act of 1948 (which provides among other things for the payment of certain debts in certain circumstances out of property comprised in or subject to a floating charge).

(3) In the last foregoing subsection "excepted property" in relation to a floating charge means such property, or property of such descriptions, as may be specified in the instrument creating the floating charge as being excepted from the charge.

2. A floating charge may be created, in the case of a company which the Court of Session has jurisdiction to wind up, only by the execution, under the seal of the company, of an instrument of charge as nearly as practicable in the form set forth in the First Schedule to this Act, or of a bond or other written acknowledgement of debt incorporating words to the like effect as the form so set out, and there may be excepted from the charge such property or property of such descriptions as may be specified in that behalf in the instrument, bond or acknowledgement.

Creation of floating charges by Scottish companies.

References in this Act to the instrument by which a floating charge was created are, in the case of a floating charge created by words in a bond or other written acknowledgement, references to the bond or, as the case may be, the other written acknowledgement.

3. For the avoidance of doubt it is hereby declared that a floating charge shall, subject to the Act of 1948, have effect in accordance with this Act in relation to any heritable property in Scotland to which it relates, notwithstanding that it is not recorded in the Register of Sasines.

Effect of floating charges in relation to heritable property in Scotland.

4.—(1) Section two hundred and twenty-two and subsection (5) of section three hundred and ninety-nine of the Act of 1948 (which specify the circumstances in which certain companies may be wound up by the court) shall, in relation to a company which the Court of Session has jurisdiction to wind up, have effect as if they included the following circumstances, that is to say, if there is subsisting a floating charge over property comprised in the company's property and undertaking, and the court is satisfied that the security of the creditor entitled to the benefit of the floating charge is in jeopardy.

Extension of power of court to wind up a company.

(2) The security of a creditor shall, for the purposes of the foregoing subsection, be deemed to be in jeopardy if the court is satisfied that events have occurred or are about to occur which render it unreasonable in the interests of the creditor that the company should retain power to dispose of the property which is subject to the floating charge.

**Ranking of  
floating  
charges.**

5.—(1) Where any property of a company being wound up is subject both to a floating charge and to a fixed security arising by operation of law, the fixed security shall have priority over the floating charge.

(2) Where any such property is subject both to a floating charge and to a fixed security not falling under the foregoing subsection the fixed security shall have priority over the floating charge unless—

- (a) the contract or undertaking creating the fixed security was made or granted after the commencement of this Act, and
- (b) the floating charge was registered before the right of the creditor in the fixed security was constituted as a real right, and
- (c) the instrument creating the floating charge prohibited the company from subsequently creating any fixed security having priority over, or ranking equally with, the floating charge.

(3) Where any such property is subject to two or more floating charges, those charges shall rank with one another according to the time of their registration :

Provided that if, in the case of any two or more such charges, the instruments creating them each contain a provision that they shall rank with one another equally, they shall so rank.

(4) For the purposes of this section the registration of any two or more floating charges which have been received by the registrar for registration by the same post delivery shall be deemed to be simultaneous and those charges shall accordingly rank with one another equally.

(5) This section shall be without prejudice to subsection (5) of section three hundred and nineteen of the Act of 1948 (which relates to preferential payments).

**Registration  
of charges.**

6. For the purpose of securing the publication of floating charges created by companies and other charges so created which ought to be published for the information of persons considering taking security from such companies by way of floating charge, the Act of 1948 shall have effect subject to the amendment set out in the Second Schedule to this Act.



## 7. The Act of 1948 shall have effect as if—

Further  
amendment to  
Act of 1948.

- (a) in section three hundred and eighteen, at the end thereof, there were inserted the following proviso :—

“ Provided that the holder of a debenture secured by a floating charge shall not be required to value and deduct the security for the purpose of voting at meetings of creditors of the company.” ;

- (b) in section three hundred and nineteen, in subsection (5), in paragraph (b), after “ England ” there were inserted “ or Scotland ” ;

- (c) in section four hundred and fifty-five, in subsection (1), after the definition of “ financial year ”, there were inserted the following definition :—

“ “ floating charge ” includes a floating charge within the meaning of the Companies (Floating Charges) (Scotland) Act, 1961.” ;

- (d) in the Fifteenth Schedule, after the entry relating to section one hundred and six of the said Act, there were inserted the following entries—

“ 106A Registration of charges created by companies registered in Scotland.

106B(1) Duty of company to register charges created by company (Scotland).

106C Duty of company to register charges existing on property acquired (Scotland).

106K Extension of Part IIIA.”

## 8.—(1) In this Act unless the context otherwise requires—

Interpretation.

- (a) “ Act of 1948 ” means the Companies Act, 1948, as amended by any other Act including this Act ; 11 & 12 Geo. 6.  
c. 38.
- (b) “ company ” means a company to which section one of this Act relates ;
- (c) “ fixed security ” in relation to any property of a company means any security, other than a floating charge or a charge having the nature of a floating charge, which on the winding-up of the company in Scotland would be treated as an effective security over that property, and (without prejudice to that generality) includes a security over that property created by way of an *ex facie* absolute disposition or assignation qualified by a back letter ;

- (d) references to registration in relation to a floating charge are references to the delivery to or receipt by the registrar of companies, in accordance with section one hundred and six A of the Act of 1948, for registration, of the prescribed particulars of the charge, and “registrar” shall be construed accordingly.

Citation,  
extent and  
commence-  
ment.

9.—(1) This Act may be cited as the Companies (Floating Charges) (Scotland) Act, 1961.

(2) This Act shall extend to Scotland only.

(3) This Act shall come into force at the expiration of a period of three months beginning with the date on which it is passed.

## SCHEDULES

### FIRST SCHEDULE

#### FORM OF INSTRUMENT OF CHARGE

We ..... Limited, incorporated under the Companies Act, 1948 [*or as the case may be*] and having our registered office at ..... in Scotland DO HEREBY in security of ..... GRANT in favour of ..... [*designed*] and their successors and assignees whomsoever a FLOATING CHARGE over the whole of the property which is, or may be from time to time while this instrument is in force, comprised in our property and undertaking, with the exception of any such property falling within any of the following descriptions, viz.:— ..... [*To be attested with the common seal of the company.*]

Section 6.

### SECOND SCHEDULE

#### REGISTRATION OF CHARGES

The Act of 1948 shall have effect with the addition immediately after section one hundred and six thereof of the following provisions, and accordingly sections one hundred and four and one hundred and five of that Act shall cease to have effect in relation to companies to which the said provisions apply:—

#### “PART IIIA

#### REGISTRATION OF CHARGES (SCOTLAND)

#### *Registration of Charges with Registrar of Companies*

Registration  
of charges  
created by  
companies  
registered  
in Scotland.

106A.—(1) Subject to the provisions of this Part of this Act every charge created after the fixed date by a company registered in Scotland, being a charge to which this section applies, shall, so far as any security on the company’s property or undertaking is conferred thereby, be void against the liquidator and any creditor of the company unless the prescribed particulars of the charge together with a copy (certified in the prescribed manner to be a correct copy) of the instrument, if any, by which

the charge is created or evidenced, are delivered to or received by the registrar of companies for registration in manner required by this Act within twenty-one days after the date of its creation, but without prejudice to any contract or obligation for repayment of the money thereby secured ; and when a charge becomes void under this section the money secured thereby shall immediately become payable. 2ND SCH.

(2) This section applies to the following charges:—

- (a) a charge on land wherever situated, or any interest therein, including a charge created by a bond and disposition or assignation in security or by an ex facie absolute disposition or assignation qualified by a back letter, but not including a charge for any rent, ground annual or other periodical sum payable in respect of the land ;
- (b) a security over the uncalled share capital of the company ;
- (c) a security over incorporeal moveable property of any of the following categories, that is to say—
  - (i) the book debts of the company ;
  - (ii) calls made but not paid ;
  - (iii) goodwill ;
  - (iv) a patent or a licence under a patent ;
  - (v) a trademark ;
  - (vi) a copyright or a licence under a copyright ;
- (d) a security over a ship or any share in a ship ;  
and
- (e) a floating charge.

(3) In the case of a charge created out of the United Kingdom comprising property situated outside the United Kingdom, the period of twenty-one days after the date on which the copy of the instrument creating it could, in due course of post, and if dispatched with due diligence, have been received in the United Kingdom shall be substituted for the period of twenty-one days after the date of the creation of the charge as the time within which, under subsection (1) of this section, the particulars and copy are to be delivered to the registrar.

(4) Where a charge is created in the United Kingdom but comprises property outside the United Kingdom, the copy of the instrument creating or purporting to create the charge may be sent for registration under this section notwithstanding that further proceedings may be necessary to make the charge valid or effectual according to the law of the country in which the property is situated.

## 2ND SCH.

(5) Where a negotiable instrument has been given to secure the payment of any book debts of a company the deposit of the instrument for the purpose of securing an advance to the company shall not, for the purposes of this section, be treated as a charge on those book debts.

(6) The holding of debentures entitling the holder to a charge on land shall not for the purposes of this section be deemed to be an interest in land.

(7) Where a series of debentures containing, or giving by reference to any other instrument, any charge to the benefit of which the debenture-holders of that series are entitled *pari passu* is created by a company, it shall, for the purposes of this section, be sufficient if there are delivered to or received by the registrar, within twenty-one days after the execution of the deed containing the charge or, if there is no such deed, after the execution of any debentures of the series, the following particulars:—

- (a) the total amount secured by the whole series ; and
- (b) the dates of the resolutions authorising the issue of the series and the date of the covering deed, if any, by which the security is created or defined ; and
- (c) a general description of the property charged ; and
- (d) the names of the trustees, if any, for the debenture-holders ; and
- (e) in the case of a floating charge, a statement of the restrictions, if any, on the power of the company to grant further securities ranking in priority to, or *pari passu* with, the floating charge :

together with a copy of the deed containing the charge, or, if there is no such deed, of one of the debentures of the series :

Provided that, where more than one issue is made of debentures in the series, there shall be sent to the registrar for entry in the register particulars of the date and amount of each issue ; but any omission to do this shall not affect the validity of the debentures issued.

(8) Where any commission, allowance or discount has been paid or made either directly or indirectly by a company to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any debentures of the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any such debentures, the particulars required to be sent for registration under this section shall include particulars as to the amount or rate per cent. of the commission, discount or allowance so paid or made, but any omission to do this shall not affect the validity of the debentures issued :

Provided that the deposit of any debentures as security for any debt of the company shall not, for the purposes of this subsection, be treated as the issue of the debentures at a discount.

2ND SCH.

(9) For avoidance of doubt it is hereby declared that, in the case of a charge created by way of an *ex facie* absolute disposition or assignation qualified by a back letter, the compliance with subsection (1) of this section shall not of itself render the charge unavailable as security for indebtedness incurred after the date of the compliance.

(10) In this Part of this Act the expression "the fixed date" means the date of coming into operation of the Companies (Floating Charges) (Scotland) Act, 1961, and references to the date of creation of a charge are—

- (a) in the case of a floating charge, the date on which the instrument creating the floating charge was executed by the company creating the charge, and
- (b) in the case of any other charge, the date on which the right of the person entitled to the benefit of the charge was constituted as a real right.

Duty of company to register charges created by company (Scotland).

106b.—(1) It shall be the duty of a company to send to the registrar of companies for registration the particulars of every charge created by the company and of the issues of debentures of a series requiring registration under the last foregoing section, but registration of any such charge may be effected on the application of any person interested therein.

(2) Where registration is effected on the application of some person other than the company, that person shall be entitled to recover from the company the amount of any fees properly paid by him to the registrar on the registration.

(3) If any company makes default in sending to the registrar for registration the particulars of any charge created by the company or of the issues of debentures of a series requiring registration as aforesaid, then, unless the registration has been effected on the application of some other person, the company and every officer of the company who is in default shall be liable to a default fine of fifty pounds.

Duty of company to register charges existing on property acquired (Scotland).

106c.—(1) Where a company registered in Scotland acquires any property which is subject to a charge of any such kind as would, if it had been created by the company after the acquisition of the property, have been required to be registered under this Part of this Act, the company shall cause the prescribed particulars of the charge, together with a copy (certified in the prescribed manner to be a correct copy) of the instrument, if any,

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## 2ND SCH.

by which the charge was created or is evidenced, to be delivered to the registrar of companies for registration in manner required by this Act within twenty-one days after the date on which the transaction was settled :

Provided that, if the property is situated and the charge was created outside Great Britain, twenty-one days after the date on which the copy of the instrument could in due course of post, and if despatched with due diligence, have been received in the United Kingdom shall be substituted for twenty-one days after the settlement of the transaction as the time within which the particulars and the copy of the instrument are to be delivered to the registrar.

(2) If default is made in complying with this section, the company and every officer of the company who is in default shall be liable to a default fine of fifty pounds.

Register of charges to be kept by registrar of companies (Scotland).

106D.—(1) The registrar of companies shall keep, with respect to each company, a register in the prescribed form of all the charges requiring registration under this Part of this Act, and shall, on payment of such fee as may be specified by regulations made by the Board of Trade, enter in the register with respect to such charges—

(a) in the case of a charge to the benefit of which the holders of a series of debentures are entitled, such particulars as are specified in subsection (7) of section 106A of this Act ;

(b) in the case of any other charge—

(i) if the charge is a charge created by the company, the date of its creation, and if the charge was a charge existing on property acquired by the company, the date of the acquisition of the property ; and

(ii) the amount secured by the charge ; and

(iii) short particulars of the property charged ; and

(iv) the persons entitled to the charge ; and

(v) in the case of a floating charge a statement of the restrictions, if any, on the power of the company to grant further securities ranking in priority to, or *pari passu* with, the floating charge.

(2) The registrar shall give a certificate under his hand of the registration of any charge registered in pursuance of this Part of this Act, stating the amount thereby secured, and the certificate shall be conclusive evidence that the requirements of this Part of this Act as to registration have been complied with.

(3) The register kept in pursuance of this section shall be open to inspection by any person on payment of such fee, not exceeding one shilling for each inspection, as may be specified by regulations made by the Board of Trade.

(4) The powers to make regulations conferred by this section on the Board of Trade shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

2ND SCH.

Copy of certificate of registration to be sent to debenture holder (Scotland).

106E.—(1) The company shall, within thirty days of the issue by them of any debenture, or certificate of debenture stock, payment of which is secured by a charge requiring registration under this part of this Act, cause a copy of the certificate of registration given under the last foregoing section in respect thereof to be sent to the holder of the debenture or certificate of debenture stock.

(2) If default is made in complying with this section the company and any officer thereof who knowingly and wilfully authorises or permits the default shall, without prejudice to any other liability, be liable to a fine not exceeding one hundred pounds.

Entries of satisfaction and release of property from charge (Scotland).

106F. The registrar of companies, on evidence being given to his satisfaction with respect to any registered charge—

- (a) that the debt for which the charge was given has been paid or satisfied in whole or in part; or
- (b) that part of the property or undertaking charged has been released from the charge or has ceased to form part of the company's property or undertaking,

may enter on the register a memorandum of satisfaction in whole or in part, or of the fact that part of the property or undertaking has been released from the charge or has ceased to form part of the company's property or undertaking, as the case may be, and where he enters a memorandum of satisfaction in whole he shall, if required, furnish the company with a copy thereof.

Rectification of register of charges (Scotland).

106G. The court, on being satisfied that the omission to register a charge within the time required by this Act or that the omission or mis-statement of any particular with respect to any such charge or in a memorandum of satisfaction was accidental, or due to inadvertence or to some other sufficient cause, or is not of a nature to prejudice the position of creditors or shareholders of the company, or that on other grounds it is just and equitable to grant relief, may, on the application of the company or any person interested, and on such terms and conditions as seem to the court just and expedient, order that the time for registration shall be extended, or, as the case may be, that the omission or mis-statement shall be rectified.

2ND SCH. *Provisions as to Company's Register of Charges and as to Copies of Instruments creating Charges*

Copies of instruments creating charges to be kept by company (Scotland). 106H. Every company shall cause a copy of every instrument creating any charge requiring registration under this Part of this Act to be kept at the registered office of the company :

Provided that, in the case of a series of uniform debentures, a copy of one debenture of the series shall be sufficient.

Company's register of charges (Scotland). 106I.—(1) Every company shall keep at the registered office of the company a register of charges and enter therein all charges specifically affecting property of the company and all floating charges on the undertaking or any property of the company, giving in each case a short description of the property charged, the amount of the charge, and, except in the case of securities to bearer, the names of the persons entitled thereto.

(2) If any officer of the company knowingly and wilfully authorises or permits the omission of any entry required to be made in pursuance of this section, he shall be liable to a fine not exceeding fifty pounds.

Right to inspect copies of instruments creating mortgages and charges and company's register of charges (Scotland). 106J.—(1) The copies of instruments creating any charge requiring registration under this Part of this Act with the registrar of companies, and the register of charges kept in pursuance of the last foregoing section, shall be open during business hours (but subject to such reasonable restrictions as the company in general meeting may impose, so that not less than two hours in each day shall be allowed for inspection) to the inspection of any creditor or member of the company without fee, and the register of charges shall also be open to the inspection of any other person on payment of such fee, not exceeding one shilling for each inspection, as the company may prescribe.

(2) If inspection of the said copies or register is refused, every officer of the company who is in default shall be liable to a fine not exceeding five pounds and a further fine not exceeding two pounds for every day during which the refusal continues.

(3) If any such refusal occurs in relation to a company the court may by order compel an immediate inspection of the copies or register.

Extension of Part IIIA. 106K. The provisions of this Part of this Act shall extend to floating charges on property in Scotland which are created, and floating charges on property in Scotland which is acquired, by an incorporated company (whether a company within the meaning of this Act or not) which is not registered in Scotland if—

(a) the property in question includes heritable property in Scotland, or

(b) the company has an established place of business in Scotland."



## CHAPTER 47

An Act to prohibit certain practices in relation to sales purporting to be sales by auction. [27th July, 1961]

**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) It shall be an offence to promote or conduct, or to assist in the conduct of, a mock auction at which one or more lots to which this Act applies are offered for sale.

Penalties  
for  
promoting  
or  
conducting  
mock  
auctions.

(2) Any person guilty of an offence under this Act shall 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 such a fine and such imprisonment;

(b) on conviction on indictment, to a fine not exceeding one thousand pounds or to imprisonment for a term not exceeding two years, or to both such a fine and such imprisonment.

(3) Subject to the following provisions of this section, for the purposes of this Act a sale of goods by way of competitive bidding shall be taken to be a mock auction if, but only if, during the course of the sale—

(a) any lot to which this Act applies is sold to a person bidding for it, and either it is sold to him at a price lower than the amount of his highest bid for that lot, or part of the price at which it is sold to him is repaid or credited to him or is stated to be so repaid or credited, or

(b) the right to bid for any lot to which this Act applies is restricted, or is stated to be restricted, to persons who have bought or agreed to buy one or more articles, or

(c) any articles are given away or offered as gifts.

(4) A sale of goods shall not be taken to be a mock auction by virtue of paragraph (a) of the last preceding subsection, if it is proved that the reduction in price, or the repayment or credit, as the case may be,—

(a) was on account of a defect discovered after the highest bid in question had been made, being a defect of which the person conducting the sale was unaware when that bid was made, or

(b) was on account of damage sustained after that bid was made.

2. Where an offence punishable under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance or to be attributable

Offences  
by bodies  
corporate.

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.

**Interpretation.** 3.—(1) In this Act “sale of goods by way of competitive bidding” means any sale of goods at which the persons present, or some of them, are invited to buy articles by way of competitive bidding, and “competitive bidding” includes any mode of sale whereby prospective purchasers may be enabled to compete for the purchase of articles, whether by way of increasing bids or by the offer of articles to be bid for at successively decreasing prices or otherwise.

(2) In this Act “lot to which this Act applies” means a lot consisting of or including one or more prescribed articles; and “prescribed articles” means any plate, plated articles, linen, china, glass, books, pictures, prints, furniture, jewellery, articles of household or personal use or ornament or any musical or scientific instrument or apparatus.

(3) In this Act “stated”, in relation to a sale of goods by way of competitive bidding, means stated by or on behalf of the person conducting the sale, by an announcement made to the persons for the time being present at the sale.

(4) For the purposes of this Act any bid stated to have been made at a sale of goods by way of competitive bidding shall be conclusively presumed to have been made, and to have been a bid of the amount stated; and any reference in this Act to the sale of a lot to a person who has made a bid for it includes a reference to a purported sale thereof to a person stated to have bid for it, whether that person exists or not.

(5) For the purposes of this Act anything done in or about the place where a sale of goods by way of competitive bidding is held, if done in connection with the sale, shall be taken to be done during the course of the sale, whether it is done at the time when any articles are being sold or offered for sale by way of competitive bidding or before or after any such time.

(6) Subject to the provisions of section thirty-three of the Interpretation Act, 1889 (which relates to offences under two or more laws), nothing in this Act shall derogate from any right of action or other remedy (whether civil or criminal) in proceedings instituted otherwise than under this Act.

52 & 53  
Vict. c. 63.

Short title,  
commence-  
ment, and  
extent.

4.—(1) This Act may be cited as the Mock Auctions Act, 1961.

(2) This Act shall come into operation at the expiration of a period of one month beginning with the date on which it is passed.

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

## CHAPTER 48

### ARRANGEMENT OF SECTIONS

#### PART I

#### DRAINAGE CHARGES

##### *General drainage charges*

##### Section

1. Power of river board to raise revenue by means of general drainage charges.
2. Amount of general drainage charge.

##### *Special drainage charges in interests of agriculture*

3. Designation of watercourses for drainage works in the interests of agriculture.
4. Provisions as to special drainage charge.

##### *Provisions applicable to general and special drainage charges*

5. Operation and incidence of drainage charges.
6. Publication of drainage charges.
7. Ascertainment of annual value.
8. Amendments as respects drainage charge.
9. Appeal against demand for drainage charge.
10. Recovery of drainage charges.
11. Agreements for assessment to and recovery of drainage charge.
12. Power of river boards to require information from owners of chargeable hereditaments.
13. Unoccupied hereditaments.
14. Assessment of drainage charge on owners.
15. Appointment of additional members of river boards.
16. Interpretation of Part I.

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#### MISCELLANEOUS PROVISIONS AS TO LAND DRAINAGE AND DRAINAGE BOARDS

##### *Amendments of Act of 1930*

17. Contribution by local authority in respect of liabilities transferred to river board.
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19. Sea defence works.
20. Variation of awards.
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23. Drainage rates—determination of relative poundage.
24. Drainage rates—fractions of a pound.
25. Payments by rating authorities in lieu of drainage rates.
26. Differential drainage rates.
27. Exemption from drainage rates.
28. Removal of obstruction from watercourses.
29. Spoil.
30. Schemes for drainage of small areas.
31. Restriction on erection of structures in, over or under watercourses.
32. Minor amendments of Act of 1930.

##### *Amendments of River Boards Act, 1948*

33. Minor amendments of River Boards Act, 1948

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35. Power of drainage board to carry out drainage works on behalf of other persons.

## Section

36. Review of boundaries of internal drainage district.
37. Drainage works on boundary of river board area.
38. Grants in respect of proposed drainage works.
39. Collection of drainage rates by owners.
40. Powers of entry.
41. Insurance by drainage boards against accidents to members.
42. Payment by river board of expenses of official visits, etc.
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45. Power of Agricultural Land Tribunal to order cleansing of ditches, etc.
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48. Power of Minister to carry out work authorised under Part III.
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## SCHEDULES:

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An Act to enable river boards and catchment boards to raise drainage charges for the purpose of meeting part of their expenses; and to make further provision relating to the drainage of land and to drainage boards.  
[27th July, 1961]

**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

## DRAINAGE CHARGES

*General drainage charges*

Power of river board to raise revenue by means of general drainage charges.

1.—(1) For the purpose of increasing revenue available to meet the expenses of drainage works a river board may raise, and levy on the occupiers of chargeable hereditaments in the river board area, a charge to be known as a general drainage charge.

(2) For the purposes of this Part of this Act the chargeable hereditaments in any river board area shall be the agricultural

land and agricultural buildings in so much of the area as does not fall within an internal drainage district.

PART I

(3) Every general drainage charge shall be at a uniform amount per pound on the annual value of each chargeable hereditament within the river board area, and that amount shall be an amount ascertained in accordance with regulations made under section two of this Act.

2.—(1) The Minister shall make regulations for ascertaining the amount per pound of annual value at which a river board may raise a general drainage charge for any year. Amount of general drainage charge.

(2) The regulations shall define that amount by stating the proportion which it is to bear to the river board's precept rate for that year, and in determining that proportion the Minister shall secure that the amount of the drainage charge will be such as appears to him to be as nearly as practicable equivalent to that precept rate, but may, so far as necessary to avoid small fractions of a penny, make different provisions for different precept rates.

(3) For the purposes of subsection (2) of this section, the precept rate of a river board for any year shall be taken to be the amount per pound (of rateable value) at which a rate levied for that year on so much of the areas of county boroughs and county districts wholly or partly within the river board area as is within that area would have produced the amount for which precepts are issued in that year by the river board under section ten of the River Boards Act, 1948.

(4) Regulations under this section shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

#### *Special drainage charges in interests of agriculture*

3.—(1) Where it appears to a river board that the interests of agriculture in the river board area or any part of it require the carrying out of drainage works in connection with any watercourses in the area, the river board may submit to the Minister for confirmation a scheme designating those watercourses, and any watercourses connected with them, for the purposes of this section and making provision for the raising, in accordance with this Part of this Act, of a charge, to be known as a special drainage charge, for the purpose of meeting the expenses of drainage works in connection with the designated watercourses and any expenses arising from such works. Designation of watercourses for drainage works in the interests of agriculture.

(2) Any such scheme shall designate either the whole or any part of the river board area for the purposes of the special drainage charge, according as the carrying out of drainage works in connection with the designated watercourses would, in the opinion of the river board, be in the interest of agriculture in the whole of the river board area or only in the designated part.

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**PART I**

(3) The watercourses designated in any such scheme shall, if the scheme is confirmed, be treated for the purposes of the Act of 1930 as part of the main river, and the Minister shall cause such variations to be made in any map prepared under section six of the River Boards Act, 1948, as may be necessary to show the designated watercourses as part of the main river and distinguish them from any other part of the main river; and any such variation shall for the purposes of subsection (4) of that section (which makes any map as approved or varied in accordance with the provisions of that section conclusive evidence as to what is the main river) be deemed to be a variation made in accordance with those provisions.

(4) The power under subsection (3) of the said section six to vary a map approved under that section shall include power to vary it with respect to the watercourses shown on it as designated under this section.

(5) A scheme under this section may make provision for any of the matters referred to in sub-paragraphs (i) and (ii) of paragraph (a) of subsection (1) of section four of the Act of 1930 (as modified by paragraph 3 of the Third Schedule to the River Boards Act, 1948) and, subject to subsections (6) to (10) of this section, those Acts shall apply to such a scheme as they apply to a scheme under paragraph (b) of the said subsection (1).

(6) So much of the said paragraph 3 as enables the Minister to direct a river board to submit a scheme shall not apply to a scheme under this section.

(7) Before submitting a scheme under this section a river board shall consult organisations appearing to them to represent the interests of persons engaged in agriculture in the river board area or, as the case may be, the part of that area designated in the scheme.

(8) Where a river board submit a scheme under this section which designates any watercourse wholly or partly within an internal drainage district, then, unless the river board are the drainage board for that district, the scheme must be accompanied either by a statement that the drainage board for that district have consented to the designation or by a statement that they have not consented thereto and a further statement setting out the reasons why the watercourse should nevertheless be designated for the purposes of this section.

(9) The persons to whom copies of any scheme submitted under this section are to be sent as required by subsection (2) of section four of the Act of 1930 shall be the council of any county, county borough or county district wholly or partly included in the river board area or, as the case may be, any part of it designated in the scheme, the drainage board for any internal drainage district included in that area or part, and

organisations appearing to the river board to represent the interests of persons engaged in agriculture in that area or part.

PART I

(10) The Minister shall not confirm a scheme under this section unless he is satisfied that, having regard to all the circumstances, and in particular to any contributions from local authorities and internal drainage boards which, if the scheme is confirmed, are likely to be available to the river board in addition to the special drainage charge authorised by the scheme, the scheme is reasonable and financially sound.

(11) For the purposes of this section—

- (a) the expenses of any drainage works which may be necessary in consequence of other drainage works, and so much of any contribution made under subsection (3) of section twenty-one of the Act of 1930 as is fairly attributable to such expenses, shall be deemed to be expenses arising from those other drainage works; and
- (b) the expenses of any drainage works shall be taken to include a proper proportion of the cost of the officers and buildings and establishment of the authority carrying them out.

4.—(1) A special drainage charge shall be levied by a river board on the occupiers of chargeable hereditaments in the area of the river board or, if part only of that area is designated for the purposes of the charge in the scheme authorising it, in that part.

Provisions as to special drainage charge.

(2) The special drainage charge shall be at a uniform amount per pound on the annual value of each chargeable hereditament concerned and that amount shall not exceed—

- (a) an amount to be specified in the scheme as the maximum amount of the charge or such greater amount as may be authorised by an order made by the Minister on the application of the river board; nor
- (b) one shilling or such other amount as may be substituted for one shilling by an order made by the Minister by statutory instrument and approved by a resolution of the Commons House of Parliament, less, in either case, the amount (if any) per pound at which a general drainage charge is raised for the same year by the river board.

(3) Before making an order under paragraph (a) of subsection (2) of this section the Minister shall consult with such of the associations and persons concerned as he considers appropriate and shall cause a notice of his intention to make the order and of the time (which shall not be less than thirty days) within which objections to the proposed order may be made to him, to be published in such manner as he thinks best adapted for informing persons affected, shall, if he considers it necessary,

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**PART I** afford such persons an opportunity of appearing before and being heard by a person appointed by him for the purpose, and shall consider the report of the person so appointed and any objections duly made.

(4) Any order under paragraph (a) or paragraph (b) of subsection (2) of this section may be varied or revoked by a subsequent order made thereunder.

*Provisions applicable to general and special drainage charges*

Operation and incidence of drainage charges.

5.—(1) A drainage charge shall be raised by a river board in writing under the common seal of the board and shall be deemed to be raised on the date on which a resolution is passed by the board authorising their seal to be affixed to the charge.

(2) Every drainage charge shall be raised for a year ending on the thirty-first day of March and shall be raised in the year preceding that for which it is raised.

(3) The Minister may by statutory instrument make regulations prescribing the forms of drainage charges and of demands for drainage charges.

(4) The following provisions shall have effect with respect to the assessing of persons to a drainage charge in respect of any hereditament, and their liability in regard to the charge:—

(a) the charge shall be assessed on the person who at the date of the raising of the charge is the occupier of the hereditament ;

(b) the full amount of the charge may be recovered by the river board from any person who is the occupier of the hereditament at any time during the period for which the charge is raised ; but

(c) a person who is in occupation of the hereditament for part only of the period for which the charge is raised is liable to bear a proportionate part only of the charge and, if he has been required under paragraph (b) of this subsection to pay the full amount of the charge, he may recover from any person who was in occupation of the hereditament for part of that period the amount which that other person is liable to bear.

(5) Where a hereditament is a chargeable hereditament during part only of the year for which a drainage charge is raised, a proportionate part only of the charge shall be payable in respect of that hereditament ; and any amount overpaid shall be repaid.

(6) Where the name of any person liable to be assessed to any drainage charge is not known to the river board, it shall be sufficient to assess him to the charge by the description of the "occupier" of the premises (naming them) in respect of which the assessment is made, without further name or description.

(7) A river board shall not be required to demand or enforce payment of a drainage charge in any case where the amount



thereof is in their opinion insufficient to justify the expense of collection. PART I

6.—(1) A drainage charge shall not be valid unless notice thereof is given in accordance with subsection (2) of this section within ten days of the date on which it is raised. Publication of drainage charges.

(2) The notice must state the amount of the charge and the date on which it was raised and must be affixed in one or more public or conspicuous places in the river board area and published in one or more newspapers circulating in that area.

7.—(1) The annual value of any land for the purposes of any drainage charge shall be its annual value as determined, within the meaning of section one of the Drainage Rates Act, 1958, for the purposes of income tax under Schedule A for the last year of assessment ending before the end of the period for which the charge is raised; and subsections (2), (3) and (5) of that section shall apply as if the charge were a drainage rate made at the date the charge was raised. Ascertainment of annual value.

(2) Where a chargeable hereditament consists of or includes part only of any land in respect of which an assessment to income tax is made under Schedule A, the river board shall ascertain its annual value by apportioning the annual value of the land.

(3) The Minister may by statutory instrument make regulations prescribing principles to be observed in making apportionments under this section, and such regulations may require apportionments made by internal drainage boards for the purposes of drainage rates to be used for the purposes of this section and may require such boards to furnish to river boards such information as may be required to enable them to comply with the regulations.

A statutory instrument containing regulations under this subsection shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

(4) Where any land owned by or occupied for the purposes of the Crown is not assessed to income tax under Schedule A, subsections (1) and (2) of this section shall not apply to any hereditament which is or forms part of the land, but the annual value of such a hereditament for the purposes of any drainage charge shall be such as the river board may determine.

(5) Where a river board have made an apportionment or determination under this section, they shall serve notice of their decision upon both the owner and the occupier of the hereditament, and the owner and the occupier, or either of them, may within twenty-eight days after the service of the notice appeal against the decision to a magistrates' court.

(6) A river board may from time to time require the surveyors of taxes for their area to furnish to them, on payment at such

**PART I**

rate as the Treasury may determine, a copy of the annual values for the time being in force for the purposes of income tax under Schedule A for all or any of the properties in that area, and such particulars of notices of assessments, appeals against assessments and the determination of such appeals as may be required to enable the river board to give effect to subsections (1) and (2) of this section.

(7) Notwithstanding anything in the foregoing provisions of this section, where the annual value of any land for the purposes of any drainage charge would include a fraction of a pound, the fraction shall, if greater than ten shillings, be treated as one pound and shall in any other case be disregarded.

Amendments  
as respects  
drainage  
charge.

8.—(1) A river board may, as respects any drainage charge raised by them for the current or the preceding year, make such additions to, cancellations of or amendments in any demands or other documents relating to the charge as appear to them necessary in order to make the raising, levying and collection of the charge conform with the provisions of this Part of this Act, and in particular may—

- (a) correct any clerical or arithmetical error;
- (b) correct any erroneous insertions or omissions or any misdescriptions;
- (c) make such additions or corrections as appear to the board to be necessary by reason of—
  - (i) any change in the occupation of any chargeable hereditament; or
  - (ii) any property previously occupied as a single hereditament becoming liable to be treated as two or more separate hereditaments; or
  - (iii) any property ceasing to be a chargeable hereditament.

(2) An amendment may be made under subsection (2) of section one of the Drainage Rates Act, 1958, as applied by section seven of this Act, notwithstanding that the charge in respect of which it is made was raised for an earlier year than is mentioned in subsection (1) of this section, and such an amendment shall have effect from the beginning of the year for which that charge was raised.

(3) A river board shall serve a notice of any amendment made by them in pursuance of this section or of the said subsection (2) on the owner and occupier of every hereditament affected thereby.

Appeal  
against  
demand for  
drainage  
charge.

9.—(1) If any person is aggrieved by a demand for a drainage charge made on him as the occupier of a chargeable hereditament, or an amendment of such a demand, on any ground on which he could not have appealed to a magistrates' court under section seven of this Act, he may appeal to the court of quarter

sessions for the county or borough in which the hereditament is situated.

**PART I**

(2) Notice of appeal under this section, specifying the grounds of appeal, must be given within twenty-eight days after the date on which the demand was made or notice of the amendment was served on the appellant, as the case may be, to the court to which the appeal is made and to the river board and also, if the appeal relates to a hereditament not in the occupation of the appellant, to the occupier of the hereditament.

(3) On an appeal under this section the court shall, as it thinks just, either confirm the demand or annul or modify it.

(4) Sections twelve, thirteen and fourteen of the Quarter Sessions Act, 1849 (which relate to arbitration) shall not apply in the case of an appeal under this section, but the appellant and the respondent to the appeal may agree in writing to refer the matter in dispute to the arbitration of such a person as may be agreed on between them, or as may in default of agreement be appointed by the Minister.

**10.**—(1) Arrears of any drainage charge may be recovered by a river board in the same manner as if the charge were a rate within the meaning of the Distress for Rates Act, 1960. Recovery of drainage charges.

(2) A river board may by resolution authorise any member or officer of the river board, either generally or in respect of particular proceedings, to institute or defend on their behalf proceedings in relation to a drainage charge or to appear on their behalf, notwithstanding that he is not qualified to act as a solicitor, in any proceedings before a magistrates' court for the issue of a warrant of distress for failure to pay a drainage charge.

(3) In proceedings for the recovery of arrears of a drainage charge the defendant shall not be entitled to raise by way of defence any matter which might have been raised on an appeal under section seven or section nine of this Act.

**11.**—(1) A river board and any such authority as is mentioned in subsection (2) of this section may enter into agreements for the doing by the authority, as agents of the river board, of anything required for the purpose of the assessment to and recovery of a drainage charge in respect of the chargeable hereditaments mentioned in that subsection, and for the making by the river board to the authority of payments in respect of anything so done. Agreements for assessment to and recovery of drainage charge.

(2) The said authorities are the council of any county borough or county district wholly or partly included in the river board area, the drainage board of any internal drainage district included in that area and any river board; and the said chargeable hereditaments are, in relation to any such council, those within the area of the council and, in relation to any drainage board, such as may be specified in the agreement.

**PART I**

**Power of river boards to require information from owners of chargeable hereditaments.**

**12.** A river board may require the owner of any chargeable hereditament in their area to state in writing the name and address of any person known to him as being an occupier of that hereditament; and if the owner fails to comply with the requirement or knowingly makes a misstatement in respect of the information required, he shall be liable on summary conviction to a fine not exceeding five pounds.

**Unoccupied hereditaments.**

**13.** For the purposes of this Part of this Act the owner of any hereditament shall be deemed to be its occupier during any period during which it is unoccupied.

**Assessment of drainage charge on owners.**

**14.—(1)** Notwithstanding anything in this Part of this Act, where the owner of a chargeable hereditament has made a request under section one hundred and ten of the Income Tax Act, 1952 (which provides for the assessment, at their option, of landlords to tax under Schedule A), any drainage charge raised for a period for which the request has effect shall, in the case of that hereditament, be assessed on the owner, and references in this Part of this Act (other than this section) to the occupier and to occupation shall be construed accordingly.

(2) Where by virtue of this section a drainage charge is assessed on the owner and he pays the amount due before the expiration of one half of the period for which the charge is raised, the river board shall make to him an allowance equal to ten per cent. of the full amount of the charge.

(3) The owner may recover from the occupier any amount paid by or allowed to him under this section which, as between the owner and the occupier, the occupier is liable to pay.

(4) The occupier of a chargeable hereditament may by notice in writing served on the river board—

(a) elect that subsection (1) of this section shall not apply to the hereditament; and

(b) cancel any election previously made under this subsection;

and any such election or cancellation shall have effect in relation to any drainage charge raised for any period beginning after the date on which the notice is served.

(5) A river board shall send a copy of any notice served on them under subsection (4) of this section to the owner of the hereditament to which the notice relates.

(6) A river board may from time to time require the surveyors of taxes for their area to furnish to them, on payment at such rate as the Treasury may determine, such information as may be required to enable the board to give effect to this section.

**Appointment of additional members of river boards.**

**15.—(1)** Where a river board have raised a drainage charge for any year the Minister may appoint not more than two additional members of the board from among persons appearing to him to represent occupiers of chargeable hereditaments in the river board area, and any member so appointed—

## PART I

- (a) shall be disregarded for the purposes of subsection (2) of section two of the River Boards Act, 1948 (which requires an order establishing a river board to provide for the appointment of not more than forty members in accordance with the provisions of that subsection); and
- (b) shall (notwithstanding paragraph 3 of the Second Schedule to that Act) come into office on the first day of that year or the day of his appointment, whichever is the later, and hold office so long as the other members of the board will hold office, except that if, for any year beginning within that period, neither a general nor a special drainage charge is raised by the river board, he shall cease to hold office at the end of the preceding year.

(2) Before making an appointment under this section the Minister shall consult such associations and persons as appear to him to represent occupiers of chargeable hereditaments in the river board area.

## 16. In this Part of this Act—

Interpretation  
of Part I.

- “agricultural buildings” has the meaning assigned to it by subsection (2) of section two of the Rating and Valuation (Apportionment) Act, 1928 ;
- “agricultural land” has the meaning assigned to it by section twenty-nine of the Land Drainage Act, 1930 ;
- “chargeable hereditament” has the meaning assigned to it by subsection (2) of section one of this Act ;
- “drainage charge” means general drainage charge or special drainage charge.

## PART II

MISCELLANEOUS PROVISIONS AS TO LAND DRAINAGE AND  
DRAINAGE BOARDS*Amendments of Act of 1930*

17. Where, under a scheme made by a river board under paragraph (a) of subsection (1) of section four of the Act of 1930, liabilities incurred in connection with drainage works are transferred from the council of a county, county borough or county district to the river board, the river board may require the council to make to them contributions towards the discharge of the liabilities; and if the amount of those contributions is not agreed between the board and the council it shall be determined by a single arbitrator agreed on by them or, in default of such agreement, by the Minister and the Minister of Housing and Local Government acting jointly.

Contribution  
by local  
authority in  
respect of  
liabilities  
transferred to  
river board.

**PART II**  
**Performance**  
**by river board**  
**of functions**  
**of internal**  
**drainage**  
**board.**

**18.—(1)** A scheme under paragraph (b) of subsection (1) of section four of the Act of 1930 which makes provision for the constitution of a new internal drainage district may provide for the river board submitting the scheme to be constituted the drainage board of that district and for conferring on it in relation to that district the powers and duties of an internal drainage board; and any expenses incurred by the river board as the drainage board of such a district shall be defrayed under and in accordance with the powers so conferred and not in any other manner.

(2) Where, whether by virtue of subsection (1) of this section or of an order under section eleven of the Act of 1930, a river board are the drainage board of an internal drainage district and a petition for constituting an internal drainage board for that district is made to the river board by a sufficient number of qualified persons or by a qualified authority, the Minister may by order constitute an internal drainage board for that district and transfer to it the property and liability of the river board so far as vested in or incurred by them in their capacity as the drainage board for that district.

(3) The provisions of the Act of 1930 shall apply in relation to an order under subsection (2) of this section as they apply in relation to an order under section eleven of that Act.

(4) On receiving such a petition as is mentioned in subsection (2) of this section the river board shall send a copy of it to the Minister and they shall inform the Minister, within six months of the date on which the petition is received, whether in their opinion an order under that subsection ought to be made.

(5) Before making an order under subsection (2) of this section the Minister shall consider the views expressed by the river board in accordance with subsection (4) of this section.

(6) (a) The Minister shall by regulations provide for the payment by a river board, subject to such exceptions or conditions as may be specified in the regulations, of compensation to any officer or servant of that board who suffers loss of employment or loss or diminution of emoluments which is attributable to an order made under subsection (2) of this section or anything done in pursuance of any such order.

(b) Different regulations may be made under this subsection in relation to different classes of persons.

(c) Regulations made under this subsection may include provision as to the manner in which and the persons to whom any claim for compensation by virtue of this subsection is to be made, and for the determination of all questions arising under the regulations.

(d) Regulations made under this subsection shall be made by statutory instrument and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**19.**—(1) The power of a river board to maintain, improve or construct drainage works for the purpose of defence against sea water or tidal water shall be exercisable anywhere in the river board area, irrespective of whether they are works in connection with the main river; and for the purposes of this subsection the river board area shall be deemed to extend beyond the low-water mark. **PART II**  
**Sea defence works.**

(2) The power of a river board under section forty-seven of the Act of 1930 to make byelaws for securing the efficient working of the drainage system in their area shall include power to make such byelaws as the board consider necessary for securing the proper defence against sea water or tidal water of any part of the river board area.

**20.**—(1) The power of a river board under section eight of the Act of 1930 to submit to the Minister for confirmation a scheme for revoking, varying or amending any provisions affecting or relating to land drainage contained in an award made under a public or local Act shall be exercised if the Minister, on an application under this section, so requires. **Variation of awards.**

(2) An application under this section may be made by any person who is under any obligation imposed by the award or by any drainage authority.

(3) An application under this section shall not be entertained unless the applicant has requested the river board to submit such a scheme as aforesaid and either the river board have refused to do so or failed to do so within six months or have submitted a scheme different from that so requested.

**21.**—(1) Where (whether by virtue of section eleven of the Act of 1930 or of section eighteen of this Act) a river board are the drainage board of an internal drainage district, they may by resolution specify an amount as corresponding to the amount of any contribution which, if the river board were not the drainage board of that district, the river board would require from or make to that drainage board under subsection (1) or subsection (3) of section twenty-one of the Act of 1930; and to the extent of any amount so specified— **Allocation of revenue of river board in lieu of contributions under s. 21 of Act of 1930.**

(a) the expenses incurred by the river board as such shall be defrayed out of sums received by it as the drainage board of that district; or

(b) the expenses incurred by the river board as the drainage board of that district shall be defrayed out of their other revenue;

according as the amount is specified in the resolution as corresponding to a contribution under the said subsection (1) or as corresponding to a contribution under the said subsection (3).

(2) A river board shall publish any resolution under this section in one or more newspapers circulating in the internal drainage district.

## PART II

## (3) Where—

(a) a sufficient number of qualified persons ; or

(b) the council of any county or county borough wholly or partly within the river board area ;

are aggrieved by a resolution of a river board under this section or the amount specified in such a resolution (whether on the ground that it is too small or too large), or the failure of a river board to pass such a resolution, they may appeal to the Minister and the Minister may, after considering any objections made to him, make such an order in the matter as he thinks just, and any such order shall be deemed to be an order under the said section twenty-one.

(4) An appeal under this section (other than an appeal on the ground that the river board have failed to pass a resolution under this section) must be made within six weeks after the date on which the river board have published the resolution in respect of which it is made.

**Drainage rates—basis of assessment.**

**22.—**(1) The following provisions of this section shall have effect with respect to any drainage rate made for a period beginning after the end of March, nineteen hundred and sixty-three.

(2) Subsection (4) of section twenty-four of the Act of 1930 (which provides for the assessment of drainage rates on the annual value of agricultural land and one-third of the annual value of other land) shall have effect as if paragraph (a) thereof referred to agricultural buildings (as defined in subsection (2) of section two of the Rating and Valuation (Apportionment) Act, 1928) as well as to agricultural land.

(3) Where a drainage board have demanded a drainage rate in respect of any land the annual value of which for the purposes of the drainage rate has been ascertained in accordance with the Drainage Rates Act, 1958, then, if—

(a) the land is, forms part of, or comprises land whose annual value for the purposes of income tax under Schedule A has been ascertained by reference to any rent fixed by an agreement commencing after the end of March, nineteen hundred and forty-six ; and

(b) the owner and occupier or either of them, by notice in writing served on the board within twenty-eight days of the date on which the demand is made or such further time as the drainage board may allow, claim that the annual value of the land for the purposes of the drainage rate shall be determined by the board under this subsection ;

the annual value of the land for the purposes of the drainage rate and any subsequent drainage rate shall be such value as may be determined by the board, having regard to the annual



## PART II

values of comparable land in their district, other than those ascertained as mentioned in paragraph (a) of this subsection; and subsection (3) of section twenty-nine of the Act of 1930 (which provides for an appeal against a determination under subsection (2) of that section) shall extend to any determination made under this subsection.

(4) Subsection (4) of section twenty-four of the Act of 1930 and the Drainage Rates Act, 1958, shall not apply in the case of land for which a rateable value is shown in the valuation list for the time being in force; but in the case of any such land—

- (a) the value on which any drainage rate is assessed shall be one-third of the rateable value so shown; and
- (b) the amount per pound at which a drainage rate is so assessed shall be determined in accordance with section twenty-three of this Act.

(5) Where, after an assessment to a drainage rate has been made in respect of any land in accordance with subsection (4) of this section, the rateable value shown in the valuation list for that land is altered and the alteration has effect for the whole of the period for which the rate is made, the rate shall be amended accordingly, and the amendment shall have effect from the beginning of that period and shall be treated for the purposes of the Act of 1930 as an amendment made in pursuance of section twenty-eight of that Act.

(6) Subsection (6) of section twenty-four of the Act of 1930 (which provides for differential rating) shall have effect as if the references to the amount per pound of annual value included references to the amount per pound of the value specified in paragraph (a) of subsection (4) of this section; and any order under the said subsection (6) determining the relative amount per pound of one only of those values shall have effect as if it made also corresponding provision with respect to the other.

(7) References in this section to the rateable value of any land shall be construed, where that value differs from the net annual value, as referring to the net annual value.

(8) The reference in section twenty-eight of the Act of 1930 (which relates to amendments in a rate) to the provisions of Part IV of that Act shall be construed as including a reference to the provisions of this section.

23.—(1) The amount per pound mentioned in paragraph (b) of subsection (4) of section twenty-two of this Act shall be determined, as nearly as may be, by applying the fraction arrived at in accordance with the following provisions of this section (in this section referred to as the relative fraction) to the amount per pound (of annual value) at which the drainage rate is assessed under subsection (4) of section twenty-four of the Act of 1930.

Drainage rates—  
determination of relative poundage.

**PART I**

(2) The relative fraction shall be stated in the notice of the rate given under section twenty-seven of the Act of 1930, and the notice shall be conclusive evidence that the fraction stated in it has been calculated in accordance with this section.

(3) The relative fraction shall be arrived at by dividing—

- (a) the aggregate of the annual values of the relevant hereditaments in the internal drainage district ; by
- (b) the aggregate of the rateable values of those hereditaments.

(4) For the purposes of this section—

- (a) the rateable value of any hereditament shall be taken to be the value which, at the date on which the drainage rate is made, is shown as its rateable value in the valuation list in force for the period for which the drainage rate is made ;
- (b) the annual value of any hereditament shall be taken to be its annual value as last stated before the said date in any assessment under Schedule A signed and allowed under section thirty-five of the Income Tax Act, 1952, or under that section as applied by the Fifth Schedule to that Act (apportioned where the hereditament forms part only of any land assessed under Schedule A).

(5) An internal drainage board may from time to time require the surveyors of taxes for their district to furnish to them, on payment at such rate as the Treasury may determine, such particulars of assessments as may be required to enable the board to calculate the relative fraction.

(6) In this section “ relevant hereditament ”, in relation to any drainage rate, means land for which a rateable value is shown in the valuation list in force for the period for which the rate is made and which is or forms part of land assessed to income tax under Schedule A ; and references in this section to the rateable value of any hereditament shall be construed, where that value differs from the net annual value, as referring to the net annual value.

**Drainage rates—  
fractions  
of a pound.**

**24.** Where the value on which a drainage rate is assessed would, apart from this section, include a fraction of a pound, the fraction shall, if greater than ten shillings, be treated as one pound and shall in any other case be disregarded.

**Payments  
by rating  
authorities  
in lieu of  
drainage rates.**

**25.—(1)** The following provisions of this section shall have effect in substitution for section twenty-five of the Act of 1930.

(2) The rating authority for any area wholly or partly included in an internal drainage district and the drainage board of that district may agree that, so long as the agreement is in force,—

## PART II

- (a) no drainage rate made by the drainage board shall be levied on occupiers or owners of rateable hereditaments within the area of the rating authority ; but
- (b) the rating authority shall pay to the drainage board, in respect of every drainage rate which by virtue of the agreement cannot be levied on those owners or occupiers, a sum equal to the estimated aggregate of the amounts which, but for the agreement, could be so levied, less such amount, if any, as may be specified in the agreement.

(3) Where part only of the area of the rating authority is included in the internal drainage district the authority may, if they think fit, treat the amount of any payment made by them under the agreement as chargeable separately on that part and levy that amount as an additional item of the general rate accordingly ; and in any case where part but not the whole of a parish is so included, the whole of the parish may for the purposes of this subsection be treated either as so included or as not so included.

(4) Any agreement under this section may, unless the drainage board is a river board, provide for amending the constitution of the board (notwithstanding anything in any scheme or order) so as to enable the rating authority to appoint members of the board ; but

- (a) any member appointed by virtue of the agreement shall cease to be a member when the agreement ceases to be in force ; and
- (b) the number of members appointed by virtue of such agreements shall not exceed two-fifths of the number of all the members of the board.

(5) The drainage board and the rating authority making an agreement under this section shall, within one month of making it, publish in one or more newspapers circulating in the area affected a notice stating its effect and shall make copies of the agreement available for inspection at their offices ; and the drainage board shall send a copy of the agreement to the Minister.

(6) In this section " rateable hereditament " means a hereditament included in the valuation list for the time being in force.

26.—(1) In subsection (6) of section twenty-four of the Act of 1930 (which enables the drainage board of an internal drainage district by order to divide their district into sub-districts for the purpose of levying differential rates and to determine the relative amounts of rates in the respective sub-districts) for the words " and determine " there shall be substituted the words " and any such order may determine ".

(2) Where an order made by a drainage board under the said subsection (6) is in force and the order does not determine the

**PART II** relative amounts of rates in the respective sub-districts, subsection (2) of the said section twenty-four shall have effect, in relation to a drainage rate made by the board for any of the sub-districts, as if it defined—

- (a) an owner's drainage rate as a rate raised for the purpose of defraying expenses incurred in connection with new works in the sub-district or the improvement of existing works in the sub-district and a proportionate part of the charges in respect of contributions by the board under section twenty-one of the Act of 1930 or, as the case may be, of amounts specified under section twenty-one of this Act as corresponding to such contributions ; and
- (b) an occupier's drainage rate as a rate raised for the purpose of defraying the expenses of maintaining any works in the sub-district and a proportionate part of any expenses or charges incurred by the board which are not directly attributable to the maintenance of particular works and are not such expenses or charges as are mentioned in paragraph (a) of this subsection.

(3) Where a petition for the making, variation or revocation of an order under the said subsection (6) is made to a drainage board by a sufficient number of qualified persons or by a qualified authority, the drainage board shall, subject to subsection (6) of this section, consider the petition and, if so directed under subsection (4) of this section, shall make, vary or revoke the order either in accordance with the petition or in accordance with the petition as modified by the direction.

(4) A direction under this section may be given by the Minister, if the drainage board is a river board, and, in any other case, by the river board in whose area the drainage district is comprised ; but where a drainage board object to a direction given by the river board the direction shall have no effect unless confirmed (with or without modifications) by the Minister.

(5) Subject to subsection (6) of this section, where such a petition as is mentioned in subsection (3) of this section is received by a drainage board the drainage board shall inform the river board (or if the drainage board is a river board, the Minister) and shall publish in one or more newspapers circulating in the internal drainage district a notice that the petition has been received, that the making, variation or revocation of an order under subsection (6) of the said section twenty-four will be considered, and that representations may be made to the board within a time (which shall not be less than thirty days) stated in the notice.

(6) This section does not require a drainage board to consider any petition or publish any notice of a petition—

## PART II

- (a) if it has received a petition under this section within the period of ten years immediately preceding the making of the first-mentioned petition ; or
- (b) if it has, within that period, by an order made under the said section twenty-four, divided its district into sub-districts or varied or abolished any sub-district ; or
- (c) if the petition is frivolous in the opinion of the river board or, where the drainage board is the river board, in the opinion of the Minister.

(7) After considering such a petition as is mentioned in subsection (3) of this section, and not later than six months after it was received, the drainage board shall inform the river board or, as the case may be, the Minister whether they propose to make, vary or revoke such an order as aforesaid and, if they propose to make or vary such an order, of the terms of the order or variation they propose to make.

**27.**—(1) Where the owner or occupier of any hereditament in an internal drainage district requests the drainage board of the district to make or amend an order under subsection (7) of section twenty-four of the Act of 1930 so as to exempt from drainage rates the portion of the district in which the hereditament is situated the drainage board shall consider the request and, if so directed under this section, shall comply with it. Exemption from drainage rates.

(2) Where such a request is refused by the drainage board the person making it may appeal to the river board (or, if the drainage board is a river board, to the Minister) and the river board or, as the case may be, the Minister may direct the drainage board to make or amend the order as requested.

(3) Where such a request is neither refused nor complied with within three months after it is made, it shall be deemed to have been refused.

**28.**—(1) The provisions of subsections (2) to (6) of this section shall have effect in substitution for subsections (1) to (9) of section thirty-five of the Act of 1930 ; and references in that Act to that section shall be construed accordingly. Removal of obstruction from watercourses.

(2) Where any watercourse in the area or district of a drainage board is in such a condition that the proper flow of water is impeded, then, unless the condition is attributable to subsidence due to mining operations (including brine pumping), the drainage board concerned may by notice require the person on whom the notice is served to remedy that condition.

(3) For the purposes of subsection (2) of this section the drainage board concerned shall be—

- (a) in relation to a watercourse in an internal drainage district, other than a watercourse forming part of the main river, the internal drainage board ;
- (b) in relation to any other watercourse, the river board.

**PART II**

(4) A notice under this section may be served on—

- (a) any person having control of the part of the watercourse where the impediment occurs ; or
- (b) any person owning or occupying land adjoining that part ; or
- (c) any person to whose act or default the said condition is due ;

but no such notice requiring any person to carry out any work on land not owned or occupied by him shall be served without the consent of the owner and the occupier of the land, except in a case where it is not practicable, after reasonable inquiry, to ascertain the name and address of the owner or occupier.

(5) Subsections (2) to (7) of section two hundred and ninety of the Public Health Act, 1936 (which provide for appeals against, and the enforcement of, certain notices under that Act) shall apply to any notice served under this section as they apply to such notices as are mentioned in subsection (1) of that section, but subject to the following modifications, that is to say,—

- (a) for references to the local authority there shall be substituted references to the drainage board ;
- (b) for paragraphs (e) and (f) of subsection (3) there shall be substituted the following paragraphs :—
  - “ (e) that the notice might lawfully have been served on another person and that it would have been equitable for it to have been so served ;
  - (f) that some other person ought to contribute towards the expenses of executing any works required by the notice ” ;
- (c) in subsection (6) the words from “ and to a further fine ” to the end of the subsection shall be omitted.

(6) Sections three hundred to three hundred and two of the Public Health Act, 1936 (which contain supplementary provisions relating to appeals under the said section two hundred and ninety) shall, with the necessary modifications, apply to appeals brought by virtue of subsection (5) of this section.

(7) In subsection (12) of section thirty-five of the Act of 1930 (which restricts the application of that section in the case of watercourses under the jurisdiction of certain authorities) after the words “ conservancy authority ” there shall be inserted the words “ harbour authority ”.

**Spoil**

29. For subsection (1) of section thirty-eight of the Act of 1930 there shall be substituted the following :—

- “ (1) A drainage board may, without making payment therefor, appropriate and dispose of any matter removed in the course of the execution of any work for widening, deepening or dredging any watercourse.

## PART II

(1A) A drainage board may deposit any matter so removed on the banks of the watercourse, or on such width of land adjoining the watercourse as is specified in the next following subsection, unless the matter so deposited would constitute a statutory nuisance within the meaning of Part III of the Public Health Act, 1936.

(1B) The said width is such as is sufficient to enable the said matter to be removed and deposited by mechanical means in one operation.

(1C) Where injury is sustained by any person by reason of the exercise by a drainage board of their powers under subsection (1A) of this section, the drainage board may, if they think fit, pay to him such compensation as they may determine; and if the injury could have been avoided if those powers had been exercised with reasonable care, subsection (3) of section thirty-four of this Act shall apply as if the injury had been sustained by reason of the exercise by the board of their powers under that section."

**30.—(1)** The following provisions of this section shall have effect in substitution for section fifty-two of the Act of 1930. Schemes for drainage of small areas.

(2) Where an authority to which this section applies are of opinion that any land in their area is capable of improvement by drainage works, but that the constitution for that purpose of an internal drainage district would not be practicable, the authority may, in accordance with the provisions of a scheme made under this section, enter on the land and execute such drainage works as appear to them desirable.

(3) The authorities to whom this section applies are the councils of counties or county boroughs and river boards.

(4) A scheme under this section must state—

- (a) the works proposed to be executed;
- (b) the area to be improved by the works;
- (c) the estimated expenses (including administrative expenses) of the execution of the works, which shall not, subject to subsection (11) of this section, exceed an amount equal to twenty pounds for each acre in the area to be improved;
- (d) the maximum amount to be recoverable by the authority making the scheme in respect of those expenses; and
- (e) the manner in which the expenses of executing and maintaining the works are to be apportioned amongst the lands comprised in the area.

(5) Before making a scheme under this section an authority other than a river board shall consult the river board.

(6) Before making a scheme under this section an authority shall give to the owners and occupiers of land within the area

**PART II**

to which the scheme relates, and to any other persons appearing to them affected by the scheme, notice in such manner as the Minister may by regulations made by statutory instrument prescribe of their intention of making the scheme and of the place where a draft thereof can be inspected and of the time (which shall not be less than thirty days) within which objections to the scheme may be made to the authority.

(7) Where any objections to a scheme are duly made and are not withdrawn the authority intending to make the scheme shall send a copy of the draft scheme, together with copies of the objections, to the Minister, and the scheme shall not be made unless the draft is confirmed by the Minister, with or without modifications; and before confirming the draft the Minister shall either cause a public inquiry to be held or give the authority and the persons by whom the objections are made an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose.

(8) An authority making a scheme under this section shall send copies thereof to the owners and occupiers of land in the area to which it relates and, if that authority is a river board, they shall also notify the council of any county or county borough in which any of that land is situated; and any such scheme made by or notified to any such council shall be registered in the register of local land charges by the proper officer of the council in such manner as may be prescribed by rules made under section fifteen of the Land Charges Act, 1925.

(9) The council of a county or county borough shall, in relation to any works executed in pursuance of a scheme under this section, have all the powers of a drainage board under the Act of 1930, exercisable subject to the same restrictions as are imposed by that Act on the exercise of those powers by such boards.

(10) Any expenses incurred by an authority under this section in the execution of drainage works, to an amount not exceeding the amount stated in the scheme in pursuance of paragraph (d) of subsection (4) of this section, and any expenses incurred by an authority in maintaining works executed under this section, shall be recoverable by the authority from the several owners of the lands to which the scheme relates according to the apportionment provided for by the scheme.

(11) The Minister may exempt a scheme from the limit imposed by paragraph (c) of subsection (4) of this section if it appears to him that the works proposed to be executed are urgently required in the public interest, and he may by order made by statutory instrument from time to time vary that limit, but no such order shall have effect unless it is approved by a resolution of each House of Parliament.



**31.—(1)** The following provisions of this section shall have effect in substitution for section sixty-four of the Act of 1930. **PART II**  
Restriction on  
erection of  
structures in,  
over or under  
watercourses.

(2) No person shall erect any structure in, over or under a watercourse which is part of the main river except with the consent of and in accordance with plans and sections approved by the river board; and no person shall, without the consent of the river board, carry out any work of alteration or repair on any structure in, over or under such a watercourse if the work is likely to affect the flow of water in the watercourse or to impede any drainage work.

(3) No person shall erect or alter any structure designed to contain or divert the floodwaters of any part of the main river except with the consent of and in accordance with plans and sections approved by the river board.

(4) A consent or approval required under this section shall not be unreasonably withheld; and—

(a) any such consent may be given subject to any reasonable condition as to the time at which and the manner in which any work is to be carried out; and

(b) any such consent or approval shall, if neither given nor refused within two months after application therefor is made, be deemed to have been given.

(5) If any person executes any work in contravention of this section the river board may remove, alter, or pull down the work and recover from that person the expenses incurred in doing so.

(6) If any question arises under this section whether any consent or approval is unreasonably withheld or whether any condition imposed is reasonable the question shall—

(a) if the parties agree to arbitration, be referred to a single arbitrator agreed between the parties or, in default of agreement, appointed by the President of the Institution of Civil Engineers;

(b) if the parties do not agree to arbitration, be referred to and determined by the Minister and the Minister of Transport acting jointly.

(7) Subsection (2) of this section shall not apply—

(a) to any work executed under section fifteen or one hundred and nineteen of the Public Health Act, 1936, or section nineteen or twenty of the Third Schedule to the Water Act, 1945 (which relate to the provision of sewers and water mains); or

(b) to any work executed in an emergency;

but a person executing any work excepted by paragraph (b) of this subsection shall as soon as practicable inform the river board

## PART II

in writing of the execution and of the circumstances in which it was executed.

(8) Nothing in this section shall be taken to affect any enactment requiring the consent of any government department for the erection of a bridge or any powers exercisable by any government department in relation to a bridge.

(9) Nothing in subsection (1) of this section or in subsection (4) of section sixty-one of the Act of 1930 (which contains certain savings) shall be taken to exclude the application of this section to any work executed by persons carrying on an undertaking to which that section applies.

Minor amendments of Act of 1930.

**32.** The Act of 1930 shall have effect subject to the amendments specified in Part I of the First Schedule to this Act.

*Amendments of River Boards Act, 1948*

Minor amendments of River Boards Act, 1948.

**33.** The River Boards Act, 1948, shall have effect subject to the amendments specified in Part II of the First Schedule to this Act.

*New provisions*

Power of local authorities to undertake drainage works against flooding.

**34.—(1)** So far as may be necessary for the purpose of preventing flooding or remedying or mitigating any damage caused by flooding the council of a county borough or county district shall, subject to the provisions of this section, have all the powers conferred on drainage boards by sections thirty-four, thirty-eight, forty-three and forty-seven of the Act of 1930; and in connection with the exercise of those powers the council shall be subject to the same restrictions and liabilities as a drainage board, and section forty of this Act shall apply in relation to the council as it applies in relation to a drainage board.

(2) The exercise of those powers shall be among the purposes for which the council of a borough or urban or rural district may be authorised by the Minister of Housing and Local Government to purchase land compulsorily; and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply in relation to any authorisation under this subsection as it applies in relation to such an authorisation as is mentioned in section one thereof.

(3) Where the powers conferred by this section on the council of a county district are not exercised by that council they may be exercised by the county council—

- (a) at the request of the council of the county district; or
- (b) after not less than six weeks' notice given in writing by the county council to the council of the county district;

but where the council of the county district, before the expiry of a notice given under paragraph (b) of this subsection, appeal

## PART II

against the notice to the Minister of Housing and Local Government and inform the county council of the appeal, the powers shall not be exercised by the county council in pursuance of the notice unless it is confirmed by that Minister.

(4) Any expenses incurred by a county council under subsection (3) of this section shall be expenses for special county purposes.

(5) This section does not authorise the execution of any drainage works in connection with the main river.

(6) A council shall not execute any drainage works authorised by this section in connection with any watercourse except with the consent of, and in accordance with any reasonable conditions imposed by, the river board or, if the place where the works are to be executed is not part of a river board area, the Minister.

(7) Before giving any consent or imposing any condition under this section with respect to any drainage works in connection with a watercourse under the control of an internal drainage board the river board shall consult with the internal drainage board.

(8) A consent required under subsection (6) of this section shall not be unreasonably withheld and shall, if neither given nor refused within two months after application therefor is made, be deemed to have been given.

(9) Any question arising under this section whether the consent of a river board is unreasonably withheld or whether any condition imposed by a river board is reasonable shall be referred to and determined by the Minister and the Minister of Housing and Local Government acting jointly.

(10) Subsection (6) of this section shall not apply to any work executed in an emergency, but a council executing any work excepted by this subsection shall as soon as practicable inform the river board or, as the case may be, the Minister, in writing of the execution and of the circumstances in which it was executed.

**35.** A drainage board may by agreement with any person execute at his expense, whether within or outside the board's district or area, any drainage works which that person is entitled to execute.

Power of drainage board to carry out drainage works on behalf of other persons.

**36.—**(1) Where the boundaries of an internal drainage district in any river board area have for a period exceeding ten years been neither altered nor in pursuance of this section reviewed and a petition for their alteration is made to the river board by a sufficient number of qualified persons, or by a qualified authority, the river board shall, subject to subsection (5) of this section, review those boundaries.

Review of boundaries of internal drainage district.

## PART II

(2) Where, in the circumstances mentioned in subsection (1) of this section, any such petition is received by the river board, the river board shall inform the Minister and, subject to subsection (5) of this section, shall publish in one or more newspapers circulating in the internal drainage district a notice stating that the petition has been received, that a review of the boundaries is being undertaken, and that representations may be made to the river board within a time (which shall not be less than thirty days) stated in the notice.

(3) In carrying out any review required by this section the river board shall consult the drainage board of the internal drainage district (except where the river board are that drainage board) and shall consider any representations duly made to them; and within six months after the petition was made or such longer time as the Minister may allow the river board shall inform the Minister whether, as a result of the review, they propose to submit to him a scheme under section four of the Act of 1930, and, if so, what provision they propose to make by the scheme.

(4) Where the river board do not propose, as a result of the review, to submit to the Minister a scheme under the said section four but it appears to them that an order under subsection (6) of section twenty-four of the Act of 1930 (which provides for differential rating), or an order varying or revoking such an order, should be made by the drainage board of the internal drainage district, they may direct the drainage board to make such an order in such terms as may be specified in the direction; but if the drainage board object to the direction it shall have no effect unless it is confirmed (with or without modifications) by the Minister.

(5) This section does not require a river board to carry out a review or publish any notice on a petition which in the opinion of the Minister is frivolous.

Drainage works on boundary of river board area.

**37.**—(1) Subject to subsection (2) of this section, drainage works in connection with the main river may be carried out by a river board on or near the boundary of the river board area notwithstanding that they are or include works in the area of another river board.

(2) Where such works are works in connection with the main river of both river board areas the power to carry out the works shall be exercisable only by one of the river boards and the question by which of them it is to be exercisable shall be determined by agreement between them, or, in default of agreement, by the Minister.

(3) The river board carrying out any works by virtue of the preceding provisions of this section shall be entitled to such contribution from the other river board towards the cost of those works as may be agreed between them or as may, in default of agreement, be determined by the Minister.

**38.—**(1) Where a drainage authority are about to incur in respect of any work expenditure towards which, if the work is properly carried out, a grant will be payable under section fifty-five of the Act of 1930 or under section fifteen of the Agriculture Act, 1937, the Minister may, with the approval of the Treasury, make out of moneys provided by Parliament advances to the authority on account of the expenditure.

**PART II**  
**Grants in respect of proposed drainage works.**

(2) The Minister may, with the approval of the Treasury, make out of moneys provided by Parliament grants to drainage authorities in respect of expenditure properly incurred by them with a view to the carrying out of drainage works, being expenditure towards which, if the works had been properly carried out, a grant would have been payable under the said section fifty-five or the said section fifteen.

(3) For the purposes of the said section fifteen, any drainage scheme carried out by the council of a county or county borough at the request of the owners or occupiers of any lands shall be deemed to be carried out by the council in the exercise of their functions.

(4) In section fifteen of the Agriculture (Miscellaneous War Provisions) Act, 1940 (which authorises the Minister to make grants towards expenditure incurred in carrying out certain approved schemes submitted by the owner or occupier of agricultural land) the words "by the owner or occupier of the land" shall be omitted.

**39.—**(1) An internal drainage board may by resolution determine that in the case of—

**Collection of drainage rates by owners.**

- (a) all hereditaments which are dwelling-houses of a class defined in the resolution, or
- (b) all such hereditaments within a part of the internal drainage district defined in the resolution,

any drainage rate made by the board for a period during which the resolution is in force shall be assessed and levied on the owners instead of on the occupiers; and any such rate shall be assessed and levied accordingly.

(2) Where, by virtue of subsection (1) of this section, an occupier's drainage rate is assessed on the owner, and he pays the amount due before the expiration of one-half of the period for which the rate is made or such later date as may be specified in the resolution, the internal drainage board shall make to him an allowance equal to ten per cent. of the full amount of the rate.

(3) The owner may recover from the occupier any amount paid by or allowed to him under this section which, as between the owner and the occupier, the occupier is liable to pay.

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**PART II**  
Powers of entry.

**40.**—(1) Without prejudice to any other enactment conferring powers of entry, a person authorised by a drainage board may, after producing, if so required, some duly authenticated document showing his authority, enter any land at all reasonable times for the purpose of exercising any function of the board under the Act of 1930.

(2) A person entitled under this section to enter any land may take with him such other persons and such equipment as may be necessary and, if the land is unoccupied, he shall, on leaving it, leave it as effectually secured against trespassers as he found it.

(3) Except in an emergency, admission to any land shall not be demanded as of right under this section, unless notice in writing of the intended entry has been given to the occupier, and, if the land is used for residential purposes or the demand is for admission with heavy equipment, has been given not less than seven days before the demand is made.

(4) Subsection (3) of section thirty-four of the Act of 1930 (which provides for compensation in the case of injury) shall extend to any injury sustained by any person by reason of the exercise of the power of entry conferred by this section.

(5) If any person obstructs or impedes any person exercising a right conferred by this section he shall be liable on summary conviction to a fine not exceeding twenty pounds.

Insurance by drainage boards against accidents to members.

**41.**—(1) A drainage board may enter into a contract with any person whereby, in consideration of payments by the board by way of premium or otherwise, that person undertakes to pay to the board such sums as may be provided in the contract in the event of any member of the board or of any committee thereof meeting with a personal accident, whether fatal or not, while he is engaged on the business of the board.

(2) Any sum received by the board under any such contract shall, after deduction of any expenses incurred in the recovery thereof, be paid by them to, or to the personal representatives of, the person in respect of whose accident the sum is received.

(3) The provisions of the Life Assurance Act, 1774, shall not apply to any such contract.

Payment by river board of expenses of official visits, etc.

**42.**—(1) A river board may defray any travelling or other expenses properly incurred by or on behalf of any members or officers of the board in making official or courtesy visits whether inside or outside the United Kingdom on behalf of the board:

Provided that, in the case of a visit within the United Kingdom, the amount defrayed under this section by a river board in respect of the expenses of any member of the board shall not exceed the payments which he would have been entitled to receive by way of travelling allowance or subsistence allowance under

section one hundred and thirteen of the Local Government Act, 1948, if the making of the visit had been an approved duty of that person within the meaning of that section.

PART II

(2) A river board may defray any expenses incurred in the reception and entertainment by way of official courtesy of persons representative of or connected with other river boards or similar services whether inside or outside the United Kingdom, and in the supply of information to such persons.

43. A drainage board may provide housing accommodation for persons employed by them ; and the provision of such accommodation shall accordingly be included among the purposes for which such a board may acquire land by agreement or may be authorised to purchase land compulsorily under section forty-five of the Act of 1930 or section thirteen of the River Boards Act, 1948. Provision by drainage board of housing accommodation for employees.

## PART III

## RESTORATION AND IMPROVEMENT OF DITCHES

44. Sections fifty-seven and fifty-eight of the Act of 1930 (which enable persons interested in any land to require owners and occupiers of adjoining land to carry out or permit the carrying out of certain drainage works) shall cease to have effect and the following provisions of this Part of this Act shall have effect in lieu thereof. Introductory.

45.—(1) Where a ditch is in such condition as to cause injury to any land or to prevent the improvement of the drainage of any land, the Agricultural Land Tribunal may, on the application of the owner or occupier of the land, make, if it thinks fit, an order requiring the person or persons named in the order to carry out such work for cleansing the ditch, removing from it any matter which impedes the flow of water, or otherwise putting it in proper order and for protecting it as may be specified in the order. Power of Agricultural Land Tribunal to order cleansing of ditches, etc.

(2) An order under this section may name any person who is an owner or occupier of land through which the ditch passes or which abuts on the ditch, and any person who, though not such an owner or occupier, has a right to carry out the work specified in the order or any part of it ; and the order shall be sufficient authority for any person named therein to do the work specified therein in relation to him and, so far as may be necessary for that purpose, to enter any land so specified.

(3) Where an order under this section names more than one person it may either require each of those persons to carry out a specified part of the work specified in the order or require all those persons jointly to carry out the whole of that work ; and where the Tribunal make an order requiring persons jointly to carry out any work they may, if they think fit, specify in the

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**PART III**

order the proportions in which those persons are to contribute to the cost of doing so, without prejudice however to their joint liability.

**Power of Agricultural Land Tribunal to authorise drainage work on adjoining land.**

**46.** Where the drainage of any land requires the carrying out of any work in connection with a ditch passing through other land, or the replacement or construction of such a ditch, or the alteration or removal of any drainage work in connection with such a ditch, the Agricultural Land Tribunal may on the application of the owner or occupier of the first-mentioned land make, if it thinks fit, an order authorising him to carry out for that purpose such work as may be specified in the order and, so far as may be necessary for that purpose, to enter any land so specified.

**Composition and powers of Agricultural Land Tribunal for hearing of application under Part III.**

**47.—(1)** The Lord Chancellor shall draw up for each Agricultural Land Tribunal and from time to time revise a panel of persons appearing to him to be experienced in matters relating to land drainage; and for each hearing by an Agricultural Land Tribunal of an application under this Part of this Act one of the members of the Tribunal shall, instead of being a person nominated in accordance with paragraph (b) of sub-paragraph (1) of paragraph 16 of the Ninth Schedule to the Agriculture Act, 1947, be a person nominated by the chairman from the panel drawn up under this section.

(2) Paragraph 16A of the said Ninth Schedule (which provides for the exercise of the power of making nominations if the chairman is prevented from doing so) shall apply to nominations under this section.

(3) For the purpose of deciding any application under this Part of this Act the Agricultural Land Tribunal may authorise any of its members or any other person to enter and inspect any land.

**Power of Minister to carry out work authorised under Part III.**

**48.—(1)** Where at the expiration of three months or such longer time as may be specified in an order under section forty-five of this Act any work specified in the order has not been carried out, the Minister or any drainage authority authorised by him either generally or in a particular case may carry out the work and enter any land which it is necessary to enter for that purpose.

(2) The Minister or drainage authority may recover from any person named in the order the expenses reasonably incurred in doing under subsection (1) of this section any work which ought to have been done by that person, including any compensation payable in connection with that work under section forty-nine of this Act.

(3) The services for which provision may be made by a scheme under section one hundred and three of the Agriculture Act,



1947, shall include such services to the owner or occupier of any land as may enable him to carry out any work which he is authorised to carry out by an order under this Part of this Act. PART III

**49.**—(1) A person entitled under the provisions of this Part of this Act to enter any land may take with him such other persons and such equipment as may be necessary and, if the land is unoccupied, he shall, on leaving it, leave it as effectually secured against trespassers as he found it. Supplementary provisions as to powers of entry and compensation.

(2) Before entering any land under the powers conferred by this Part of this Act the person entering it shall give not less than seven days' notice in writing to the occupier of the land.

(3) Where any person sustains any injury by reason of the exercise of any power conferred by this Part of this Act then, unless the power was exercised in or for the purpose of the execution of any work which he was required to do by an order under this Part of this Act, the person exercising the power shall be liable to make full compensation to him, and in the case of dispute the amount of the compensation shall be determined by the Lands Tribunal.

#### PART IV

##### SUPPLEMENTARY PROVISIONS

**50.**—(1) The provisions of this Act (including the provisions inserted by this Act in the Act of 1930) shall apply to the Conservators of the River Thames and to the Lee Conservancy Catchment Board as if they were river boards and their catchment areas were river board areas, subject to the modification that for the references to the provisions of the River Boards Act, 1948, specified in the first column of the following Table there shall be substituted respectively references to the provisions of the Act of 1930 specified in the second column of that Table: Provisions as to catchment boards.

##### *Table*

| Provisions of River Boards Act, 1948: | Corresponding provisions of Land Drainage Act, 1930: |
|---------------------------------------|------------------------------------------------------|
| Section 6                             | Section 5                                            |
| Section 10                            | Section 22                                           |
| Section 13                            | Section 45                                           |

and for the references to subsection (2) of section two of, and paragraph 3 of the Second Schedule to, the said Act of 1948 there shall be substituted references to Part II of the Thames Conservancy Act, 1950, and Part II of the Thames Conservancy Act, 1959, or Part II of the Lee Conservancy Catchment Board Act, 1950, as the case may require.

(2) In paragraph (4) of section nine of the Lee Conservancy Catchment Board Act, 1950 (which disqualifies a person for

**PART IV**

continuing as a member of the Board if, without good reason, he is absent from meetings of the Board for more than six months), after the word "Board", where it first occurs, there shall be inserted the words "and of any committee of the Board of which he is a member".

(3) The approval of the Minister shall not be required for the making of rules by the Board under section four of the Lee Conservancy Catchment Board Act, 1936 (which enables the Board to regulate its proceedings).

**Application to Crown.**

**51.** In section seventy-seven of the Act of 1930 (which provides for the application, subject to certain modifications, of that Act to land belonging to Her Majesty or a government department) references to that Act shall be construed as including references to this Act and references to drainage rates as including references to drainage charges raised under Part I of this Act.

**Interpretation.**

**52.—(1)** In this Act—

"the Act of 1930" means the Land Drainage Act, 1930 ;

"ditch" includes a culverted and a piped ditch but does not include a watercourse vested in or under the control of a drainage authority ;

"qualified authority", in relation to an internal drainage district, means an authority in whose case an agreement made with the drainage board of the district under section twenty-five of this Act is in force.

(2) The persons who are qualified under any provision of this Act to make a petition or appeal in relation to an internal drainage district are the owners and occupiers of any land in the district in respect of which a drainage rate is levied ; and the number of qualified persons making such a petition or appeal shall be sufficient if, and not unless,—

(a) they are not less than forty ; or

(b) they are not less than one-fifth of the number of persons who are qualified to make the petition or appeal ; or

(c) the annual value for the purposes of the last drainage rate levied in the district of all the land in respect of which they are qualified persons is not less than one-fifth of the annual value of all the land in respect of which that rate was levied ;

but in relation to a district divided into sub-districts the persons qualified to make a petition under section twenty-six of this Act as being the owners or occupiers of land in one of the sub-districts shall also be sufficient in any case where the condition of paragraph (b) or paragraph (c) of this subsection would be satisfied if the sub-district were an internal drainage district.

## PART IV

In relation to land assessed in accordance with subsection (4) of section twenty-two of this Act the references in paragraph (c) of this subsection to annual value shall be construed as referring to rateable value or net annual value, as the case may require.

(3) References in this Act to the execution or carrying out of drainage works include, except where the context otherwise requires, references to the improvement and maintenance of drainage works; and references in this Act to expenses of drainage works are references to expenses incurred in the construction, improvement or maintenance of drainage works.

(4) Subject to the foregoing provisions of this section, any expressions used in this Act and in the Act of 1930 have the same meanings in this Act as in that Act.

(5) References in this Act to any enactment are references thereto as amended or modified by or under any other enactment, including, except where the context otherwise requires, this Act.

**53.** There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums so payable under any other Act. **Expenses.**

**54.—**(1) This Act may be cited as the Land Drainage Act, 1961. **Short title, repeals and extent.**

(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 does not extend to Scotland or to Northern Ireland.

## SCHEDULES

## FIRST SCHEDULE

## MINOR AMENDMENTS

## PART I

*The Land Drainage Act, 1930*

Sections 32 &  
33.

1. In sub-paragraph (ix) of paragraph (b) of subsection (1) of section four (which enables a scheme under that section to provide, among other matters, for the transfer of rights and liabilities to new drainage boards) the word "new" shall be omitted.

2. In subsection (4) of section six (which enables a river board to enter into agreements with certain authorities for the carrying out by those authorities of work in connection with the main river which the river board are authorised to do) for the words "borough or urban district" there shall be substituted the words "county, county borough or county district", and at the end of the subsection there shall be added the words "and may enter into a like agreement with any internal drainage board, and any such agreement with an internal drainage board may extend to work outside the internal drainage district but not within any other internal drainage district."

3. Any consent required under paragraph (a) of subsection (2) of section seven (which relates to the carrying out by an internal drainage board of works affecting the interests of another internal drainage board) may be given subject to reasonable conditions; and subsection (4) of the section (which provides for certain questions arising under that section to be referred to the Minister for decision) shall have effect as if the questions mentioned therein included the question whether any condition subject to which any such consent was given was reasonable.

4.—(1) In paragraph (b) of subsection (1) of section twenty (which provides for the apportionment of expenses of a catchment board among the councils of the several counties and county boroughs wholly or partly included in the catchment area on the basis of the total of the rateable values of hereditaments in that area) for the words from "on the basis" to the end of the paragraph there shall be substituted the words "on the basis of the product, estimated in such manner as the Minister may direct, of a rate of one penny in the pound for so much of the respective areas of those councils as is situated within the catchment area".

(2) In subsection (4) of that section (which requires councils of counties and county boroughs to supply statements of the totals of rateable values of hereditaments in a catchment area) for the words "the totals of the rateable values of all such hereditaments in the respective areas of those councils as are" there shall be substituted the words "the product, estimated in such manner as the Minister may direct, of a rate of one penny in the pound for so much of the respective areas of those councils as is".

5. At the end of paragraph (c) of subsection (4) of section twenty-six (under which an occupier who has paid an owner's drainage rate may recover the amount paid by him from the owner) there shall be added the words "and may deduct that amount from any rent payable by him to the owner".

6. After subsection (4) of section twenty-six there shall be inserted the following subsection:—

"(4A) A drainage board may require the owner of any hereditament in the district in respect of which a drainage rate is levied to state in writing the name and address of any person known to him as being an occupier of that hereditament; and if the owner fails to comply with the requirement or knowingly makes a false statement in respect of the information required, he shall be liable on summary conviction to a fine not exceeding five pounds".

7. At the end of section twenty-eight (which provides for the amendment of drainage rates) there shall be added the following subsection:—

"(3) Where in pursuance of this section a drainage rate has been amended, any amount overpaid shall be repaid or allowed and any amount underpaid may be recovered as if it were arrears of the rate."

8. At the end of subsection (2) of section twenty-nine (which requires drainage boards to determine the annual value of land not assessed to income tax under Schedule A) there shall be added the words "having regard to the annual values, for the purposes of income tax under Schedule A, of comparable land in their district, other than those which have been ascertained by reference to rents fixed by agreements commencing after the end of March, nineteen hundred and forty-six".

9. In subsection (3) of section twenty-nine the words "whose decision shall be final" shall be omitted.

10. In subsection (4) of section twenty-nine (which enables drainage boards to obtain from surveyors of taxes particulars required for the purposes of drainage rates) for the words "on payment at a rate not exceeding five shillings for every hundred entries numbered separately" there shall be substituted the words "on payment at such rate as the Treasury may determine".

11. For subsection (2) of section thirty-one (which enables a drainage board to authorise their clerk to institute, carry on or defend proceedings in relation to drainage rates) there shall be substituted the following subsection:—

"(2) A drainage board may by resolution authorise any member or officer of the board, either generally or in respect of particular proceedings, to institute or defend on their behalf proceedings in relation to a drainage rate or to appear on their behalf, notwithstanding that he is not qualified to act as a solicitor, in any proceedings before a court of summary jurisdiction for the issue of a warrant of distress for failure to pay a drainage rate."

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12. For subsection (1) of section thirty-two (which enables a local authority to contribute, in certain circumstances, to the expenses of drainage works) there shall be substituted the following subsection:—

“(1) A local authority may contribute, or undertake to contribute, to the expenses of the execution or maintenance of any drainage works by a drainage authority such an amount as, having regard to the public benefit to be derived therefrom, appears to the local authority to be proper.”

13. In subsection (1) of section thirty-four, in paragraph (b) (which empowers a drainage board to remove mill dams, weirs, or other obstructions to watercourses) after the word “remove” there shall be inserted the words “or alter”.

14. In subsection (3) of section thirty-four (which provides for compensation to persons injured in the exercise of powers under that section) for the words from “shall be determined” to the end of the subsection there shall be substituted the words “shall be determined by the Lands Tribunal”.

15. In section thirty-nine (which enables arrangements to be made between the drainage boards of adjoining drainage districts for the execution and maintenance of drainage works, but does not extend to river boards) the words “not being a catchment area” shall be omitted in both places where they occur.

16. In subsection (1) of section forty-three (which confers on persons authorised by drainage boards power to enter and survey land and to inspect documents) the words “within the drainage district” in paragraph (a) and the words “in the drainage district” in paragraph (b) shall be omitted.

17.—(1) Section forty-four (which prohibits the erection, without the consent of the drainage board, of any mill dam, weir or other like obstruction to the flow of any watercourse) shall be amended as follows.

(2) In the proviso to subsection (7) (which provides for compensation to persons injured in the exercise of powers under that subsection) for the words from “shall be determined” to the end of the subsection there shall be substituted the words “shall be determined by the Lands Tribunal”.

(3) At the end of the section there shall be added the following subsection:—

“(9) Nothing in this section shall apply in relation to any watercourse which is part of the main river.”

(4) Where the erection or alteration of a culvert would be likely to affect the flow of any watercourse, the said section forty-four shall apply in relation to the erection or alteration as it applies in relation to the erection or alteration of such an obstruction as is mentioned in subsection (1) of that section.

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18.—(1) The power of a drainage board under subsection (1) or subsection (2) of section forty-five to acquire land shall include power to secure the creation of an easement or other right over land in their favour.

(2) In subsection (4) of that section (which enables a drainage board to sell or exchange land not required for the purposes of their functions) the word “let” shall be inserted after the word “sell”.

(3) For the purposes of section twenty-six of the Town and Country Planning Act, 1959 (which, subject to certain exceptions, dispenses with the need to obtain the Minister’s consent to the exercise of certain powers) the power conferred by sub-paragraph (2) of this paragraph shall be deemed to have been conferred by an enactment passed before the commencement of that Act.

19. The power of a drainage board under subsection (1) of section forty-six to borrow money for the purpose of discharging loans previously contracted shall be exercisable without the sanction of the Minister, and references in that subsection to the execution of the Act of 1930 shall be construed as including references to the execution of this Act.

20.—(1) In paragraph (d) of subsection (1) of section forty-seven (which enables byelaws to compel persons to cut vegetable growths in a watercourse) for the words “in the watercourse” there shall be substituted the words “in or on the bank of the watercourse”.

(2) In subsection (8) of that section (which imposes a fine not exceeding twenty pounds for a contravention and a further fine not exceeding five pounds for every day on which an offence is committed or continued) there shall be substituted, for the word “twenty” the word “fifty”, and for the words “the offence is committed or continued” the words “the contravention or failure is continued after conviction”.

(3) After the said subsection (8) there shall be inserted the following subsection—

“(8A) If any person acts in contravention of, or fails to comply with, any byelaw made under this section, the drainage board may, without prejudice to any proceedings under subsection (8) of this section, take such action as may be necessary to remedy the effect of the contravention or failure, and may recover the expenses reasonably incurred by them in doing so from the person in default.”

(4) Subsection (2) of that section, except in so far as it requires byelaws to be confirmed by the Minister, and subsections (3) to (7) thereof shall not apply to byelaws made by virtue of section thirty-four of this Act; and subsection (8) of the said section forty-seven shall apply in relation to such byelaws in substitution for section two hundred and fifty-one of the Local Government Act, 1933.

21. In subsection (2) of section fifty (which enables the councils of counties and county boroughs to exercise the powers conferred on drainage boards by section twenty-eight of this Act) after the words

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“ county borough ”, in each place where they occur, there shall be inserted the words “ or county district ”; and after that subsection there shall be inserted the following subsection :—

“(2A) Before exercising in relation to any watercourse or part of a watercourse in a river board area any power conferred on it by subsection (2) of this section a council shall notify the drainage board concerned, that is to say, if the watercourse or part is in an internal drainage district, the drainage board of that district, and, in any other case, the river board.”

22.—(1) Section sixty-one (which relates to the protection of certain public undertakings) shall be amended as follows.

(2) In subsection (1) after the words “ with the consent of the undertakers ”, and in subsection (2) after the words “ with the consent of the railway company ”, there shall be inserted the words “ (which may be given subject to reasonable conditions but shall not be unreasonably withheld).”

(3) At the end of subsection (1) there shall be added the following paragraph :—

“(e) the undertakings of Area Boards (within the meaning of the Gas Act, 1948) and the undertaking of the National Coal Board ”.

(4) In subsection (3) after the word “ aforesaid ” there shall be inserted the words “ or whether any consent is being unreasonably withheld or whether any condition subject to which any consent was given was reasonable ”.

(5) The references in the said section sixty-one to the Act of 1930 shall be construed as including references to section forty-six of this Act.

23. In section sixty-two (which safeguards fishery interests) the references to the fishery interests shall be construed as including references to the interests of sea fisheries and the references to the Act of 1930 as including references to this Act.

24. Section seventy-one (under which drainage authorities other than river boards are liable to pay fees in respect of business transacted by the Minister) shall cease to have effect.

25. In section eighty-one, in the definition of “ main river ” (which extends that expression to certain appliances for controlling or regulating the flow of water in or out of the channel) after the word “ water ” there shall be inserted the word “ into ”.

26. At the end of paragraph 2 of Part I of the Second Schedule (which requires the Minister, before making an order, to consider any objections duly made to the draft order) there shall be added the words “ and in making the order the Minister may make such modifications in the terms of the draft as appear to him desirable ”.

27. In paragraph (ii) of the proviso to paragraph 1 of Part II of the Third Schedule (which excludes the qualification of a person



to be elected to a drainage board as being the owner, or a person nominated by the owner, of any land if at the date of the election an owner's drainage rate has remained unpaid for more than one month) for the words "has remained unpaid for more than one month" there shall be substituted the words "remains unpaid, unless either the date of the election falls less than six months after the beginning of the period for which the rate was made or the land was occupied, when the amount was demanded, by a person who, as between the owner and the occupier, was liable to pay the owner's drainage rate."

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28. In paragraph 2 of Part II of the Third Schedule (which relates to the term of office of the first members of a drainage board) for the words from "until" to the end of the paragraph there shall be substituted the words "until the expiration of one year from the first day of November next following the day on which they are appointed".

29. For paragraph 12 of Part II of the Third Schedule (which relates to the remuneration and expenses of the chairman and members of a drainage board) there shall be substituted the following paragraphs:—

"12. The Minister may, if he thinks fit, by order authorise the board to pay to the chairman of the board for the purpose of enabling him to meet the expenses of his office such allowance as may be specified in the order.

12A. A drainage board may pay any reasonable expenses incurred by its members and officers in attending meetings of the board or a committee or sub-committee thereof, in carrying out inspections necessary for the discharge of the functions of the board, or attending conferences or meetings convened by one or more drainage boards, or by any association of drainage boards, for the purpose of discussing matters connected with the discharge of the functions of drainage boards; and any reasonable expenses so incurred in purchasing reports of the proceedings of any such conference or meeting."

## PART II

### *The River Boards Act, 1948*

30.—(1) In subsection (1) of section ten (which provides for the apportionment of expenses of a river board among the councils of the several counties and county boroughs wholly or partly included in the river board area on the basis of the totals of the rateable values of hereditaments in that area) for the words from "on the basis" to "river board area" there shall be substituted the words "on the basis of the product, estimated in such manner as the Minister of Agriculture, Fisheries and Food may direct, of a rate of one penny in the pound for so much of the respective areas of those councils as is situated within the river board area".

(2) For subsection (4) of that section there shall be substituted the following subsection:—

"(4) The councils of the several counties and county boroughs wholly or partly included in a river board area shall from time

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to time, if and when so required by the river board, furnish to the board a statement of the product, estimated in such manner as the Minister of Agriculture, Fisheries and Food may direct, of a rate of a penny in the pound for so much of the respective areas of those councils as is situated within the river board area”.

31. The power of a river board under paragraph (c) of subsection (2) of section eleven to borrow money for the purpose of the repayment of money previously borrowed shall be exercisable without the consent of the Ministers referred to in that subsection.

32. In subsection (6) of section sixteen (which enables a person entitled under that section to enter any land to take with him such other persons as may be necessary) after the words “such other persons” there shall be inserted the words “and such equipment”; and in subsection (4) of that section (which requires twenty-four hours’ notice before admission is demanded to any land used for residential purposes) after the word “purposes” there shall be inserted the words “and admission with heavy equipment to any other land”, after the words “shall not” there shall be inserted the words “except in an emergency”, and for the words “twenty-four hours” there shall be substituted the words “seven days”.

33. At the end of paragraph 2 of the First Schedule (which requires the Ministers, before making an order, to consider any objections duly made to the draft order) there shall be added the words “and in making the order the Ministers may make such modifications in the terms of the draft as appear to them desirable”.

34. At the end of paragraph 3 of the Second Schedule (which provides for the appointment of members of a river board for a term of three years beginning on the first day of November) there shall be added the words “but if for any reason a member is appointed on or after the day on which he ought to have come into office he shall come into office on the day on which he is appointed and shall hold office for the remainder of the said term”.

35. In sub-paragraph (c) of paragraph 7 of the Second Schedule (which requires a member of a river board to vacate his office if without good reason he is absent from meetings of the board for more than six months) after the word “board”, where it first occurs, there shall be inserted the words “and of any committee of the board of which he is a member”.

36. In paragraph 14 of the Second Schedule (which enables a river board to regulate its proceedings) the words “with the approval of the Ministers” shall be omitted.

## SECOND SCHEDULE

Section 54.

## ENACTMENTS REPEALED

| Session and Chapter       | Short Title                                               | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|---------------------------|-----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19 & 20 Geo. 5.<br>c. 17. | The Local Government Act, 1929.                           | Section seventy-eight.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 20 & 21 Geo. 5.<br>c. 44. | The Land Drainage Act, 1930.                              | <p>In section four, in subsection (1), in sub-paragraph (ix) of paragraph (b), the word "new".</p> <p>In section twenty, subsection (2).</p> <p>Section twenty-five.</p> <p>In section twenty-nine, in subsection (3), the words "whose decision shall be final".</p> <p>In section thirty-five, subsections (1) to (9).</p> <p>In section thirty-nine, the words "not being a catchment area" in both places where they occur.</p> <p>In section forty-three, in subsection (1), the words "within the drainage district" and the words "in the drainage district".</p> <p>Section fifty-two.</p> <p>In section fifty-five, subsection (2).</p> <p>Section fifty-seven.</p> <p>Section fifty-eight.</p> <p>Section sixty-four.</p> <p>Section seventy-one.</p> <p>The Fifth Schedule.</p> <p>In section fifteen, in subsection (1), the words "by the owner or occupier of the land".</p> <p>Section seven.</p> <p>Section eight.</p> <p>In the Second Schedule, in paragraph 14, the words "with the approval of the Ministers".</p> |
| 3 & 4 Geo. 6.<br>c. 14.   | The Agriculture (Miscellaneous War Provisions) Act, 1940. | In section fifteen, in subsection (1), the words "by the owner or occupier of the land".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 6 & 7 Geo. 6.<br>c. 16.   | The Agriculture (Miscellaneous Provisions) Act, 1943.     | Section seven.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 11 & 12 Geo. 6.<br>c. 32. | The River Boards Act, 1948.                               | In the Second Schedule, in paragraph 14, the words "with the approval of the Ministers".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

Table of Statutes referred to in this Act

| Short Title                                                       | Session and Chapter                   |
|-------------------------------------------------------------------|---------------------------------------|
| Life Assurance Act, 1774 ... ..                                   | 14 Geo. 3. c. 48.                     |
| Quarter Sessions Act, 1849 ... ..                                 | 12 & 13 Vict. c. 45.                  |
| Land Charges Act, 1925 ... ..                                     | 15 & 16 Geo. 5. c. 22.                |
| Rating and Valuation (Apportionment) Act,<br>1928 ... ..          | 18 & 19 Geo. 5. c. 44.                |
| Land Drainage Act, 1930 ... ..                                    | 20 & 21 Geo. 5. c. 44.                |
| Public Health Act, 1936... ..                                     | 26 Geo. 5 & 1 Edw. 8.<br>c. 49.       |
| Lee Conservancy Catchment Board Act, 1936                         | 26 Geo. 5 & 1 Edw. 8.<br>c. lxxviii.  |
| Agriculture Act, 1937 ... ..                                      | 1 Edw. 8 & 1 Geo. 6. c. 70.           |
| Agriculture (Miscellaneous War Provisions)<br>Act, 1940 ... ..    | 3 & 4 Geo. 6. c. 14.                  |
| Water Act, 1945 ... ..                                            | 8 & 9 Geo. 6. c. 42.                  |
| Acquisition of Land (Authorisation Procedure)<br>Act, 1946 ... .. | 9 & 10 Geo. 6. c. 49.                 |
| Agriculture Act, 1947 ... ..                                      | 10 & 11 Geo. 6. c. 48.                |
| Local Government Act, 1948 ... ..                                 | 11 & 12 Geo. 6. c. 26.                |
| River Boards Act, 1948 ... ..                                     | 11 & 12 Geo. 6. c. 32.                |
| Gas Act, 1948 ... ..                                              | 11 & 12 Geo. 6. c. 67.                |
| Lee Conservancy Catchment Board Act, 1950                         | 14 & 15 Geo. 6. c. xlix.              |
| Thames Conservancy Act, 1950 ... ..                               | 14 & 15 Geo. 6. c. 1.                 |
| Income Tax Act, 1952 ... ..                                       | 15 & 16 Geo. 6 & 1 Eliz. 2.<br>c. 10. |
| Drainage Rates Act, 1958 ... ..                                   | 6 & 7 Eliz. 2. c. 37.                 |
| Thames Conservancy Act, 1959 ... ..                               | 7 & 8 Eliz. 2. c. xxvi.               |
| Town and Country Planning Act, 1959 ...                           | 7 & 8 Eliz. 2. c. 53.                 |
| Distress for Rates Act, 1960 ... ..                               | 8 & 9 Eliz. 2. c. 12.                 |

## CHAPTER 49

### ARRANGEMENT OF SECTIONS

#### *The Covent Garden Market Authority*

##### Section

1. The Covent Garden Market Authority.  
*Vesting in the Covent Garden Market Authority of market Lands,  
and Provisions ancillary thereto*
2. Vesting of market lands.
3. Revocation of Letters Patent and Improvement Act, and other provisions consequential on vesting of market lands.
4. Discharge of certain covenants in, or arising out of, conveyances of land in Covent Garden Area for securing payment of tolls.
5. Discharge of certain covenants in, or arising out of, leases of land in Covent Garden Area for securing payment of tolls.
6. Revocation of agreements by occupiers of stands in, or premises on, market lands to pay tolls in respect of produce dealt with elsewhere.
7. Vesting of the Company's market chattels.
8. Compensation for vesting of market lands.
9. Compensation for discharge of covenants.
10. Compensation for revocation of agreements.
11. Provisions as to interest under covenants or agreements subject to charges.

## Section

12. Compensation for vesting of chattels.
13. Transfer to the Authority of rights and liabilities under contracts for rendering of personal services to the Company.
14. Transfer to the Authority of liabilities under the Company's pensions schemes, and appointment of Public Trustee as trustee of certain of those schemes.
15. Restriction of dispositions by the Company of market lands.

*Duties and Powers of the Covent Garden  
Market Authority*

16. Duty of the Authority to provide market and storage facilities.
17. Duty of the Authority to have regard to public interest, and objects to be attained by them.
18. Additional functions of the Authority.
19. Power of the Authority to acquire land compulsorily under Town and Country Planning Act, 1947.
20. Power of the Authority to promote and oppose Bills.

*Regulation of Marketing in the Covent Garden Area  
under the Administration of the Covent Garden  
Market Authority*

21. Restriction of use of premises in Covent Garden Area for certain purposes, and prohibition of use for those purposes of premises within a certain distance from that area.
22. Grant, duration and revocation of licences under preceding section.
23. Power of court to restrain revocation of licences under section 21.
24. Compensation for damage due to operation of sections 21 and 22.
25. Power of the Authority to control transport and storage of horticultural produce and containers therefor.
26. Market byelaws.
27. Power of the Authority to seize and dispose of articles in certain cases.
28. Power of the Authority to levy tolls.
29. Power of the Authority to levy on Covent Garden wholesalers charges other than tolls.
30. Power to enter premises.
31. Penalisation of failure to comply with requirements as to making returns, registration, keeping books, &c.
32. Restriction of disclosure of information.

*Constitution of Committees with executive and  
advisory Functions for facilitating the Work of  
the Covent Garden Market Authority*

33. The Covent Garden Market Management Committee.
34. The Covent Garden Traffic Committee.
35. The Covent Garden Market Workers Committee.
36. Incidental provisions with respect to the three Committees.

*Financial Provisions*

37. General duty of the Authority as to finance.
38. Borrowing powers.
39. Restrictions on, and provisions supplementary to, borrowing powers.
40. Advances by the Minister.
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*Reports, Accounts and Returns*

## Section

46. Reports, accounts and returns.

*Supplemental Provisions*

- 47. Disqualification of members of the Authority for membership of the House of Commons.
- 48. Registration of restrictions under sections 21 and 25.
- 49. Local inquiries.
- 50. Provisions as to service of documents.
- 51. Limitation of exercise, outside Covent Garden Area, of Authority's powers.
- 52. Saving for planning control.
- 53. Interest provisions of this Act to prevail as regards compensation under sections 8 to 10, and 12.
- 54. Meaning of "the Covent Garden Area" and "the prohibited area" and proof of extent of first-mentioned area.
- 55. General interpretation provisions.
- 56. Short title.

## SCHEDULES:

First Schedule—Incidental provisions with respect to the Covent Garden Market Authority.

Second Schedule—Pensions schemes.

Third Schedule—Circumstances that may be specified in a scheme under section 29 as being those in which a sale is to be assumed to have been made.

Fourth Schedule—Constitution of the Covent Garden Market Management Committee.

Fifth Schedule—Incidental provisions with respect to the Committees constituted by sections 33 to 35.

An Act to establish a Covent Garden Market Authority and vest in them lands in the parish of Saint Paul, Covent Garden, and chattels the property of Covent Garden Market Limited; to make provision for the conduct in, and adjacent to, Covent Garden, under the control of the Covent Garden Market Authority, of activities relating to the dealing in bulk in horticultural produce; and to make provision with respect to matters arising out of the matters aforesaid. [27th July, 1961]

**W**HEREAS by Letters Patent bearing date at Westminster the twelfth day of May, sixteen hundred and seventy (in this Act referred to as "the Letters Patent"), His late Majesty King Charles the Second gave and granted to William Earl of Bedford the right to have, hold and keep, in a place in the parish of Saint Paul, Covent Garden, commonly called, and in this Act referred to as, "the Piazza", a market for the buying and selling of all manner of fruit, flowers, roots, and herbs, whatsoever, together with all liberties and free customs, tolls,

stallage, piccage, and all other profits, advantages, and emoluments whatsoever, to such market any way belonging, appertaining, arising, or coming, or with the same used, held, or enjoyed :

And whereas such market was held accordingly in the Piazza and, together with the ground on which it was held, became known by the name of Covent Garden Market :

And whereas with the effluxion of time there arose so great an increase of the quantity of articles brought to the said market for sale and of the number of persons resorting thereto as to necessitate the passing, in the fifty-third year of the reign of His late Majesty King George the Third, of an Act entitled “ An Act for regulating Covent Garden Market ” :

And whereas the said Act was, in the ninth year of the reign of His late Majesty King George the Fourth, repealed and replaced by another Act (in this Act referred to as “ the Improvement Act ”) entitled “ An Act for the improvement and regulation of Covent Garden Market ” :

And whereas, during a period of thirty years (more or less) beginning about the year eighteen hundred and sixty, Francis Duke of Bedford and his successors erected, upon land adjacent to the Piazza, buildings to which persons resorted to buy and sell fruit, flowers and other horticultural produce :

And whereas, as the result of divers transactions, the rights conferred by the Letters Patent and the Improvement Act together with the fee simple as well of the greater part of the land comprising the Piazza as of the land adjacent thereto the site of the said buildings, and of other land adjacent thereto, have become vested in a company named Covent Garden Market Limited (in this Act referred to as “ the Company ”) :

And whereas it is expedient to make further provision for regulating the market business carried on on the lands aforesaid and in the neighbourhood thereof and, in connection therewith, for reducing the congestion of traffic and the risk of fire now occasioned by the ill-arranged state of those lands and the land in the neighbourhood thereof, and for that purpose to constitute a public authority and vest in them, for the interest therein of the Company, such of the lands aforesaid as are coloured pink on the plans (in this Act referred to as “ the deposited plans ”) which, in connection with the Bill for this Act, have been deposited with the London County Council and the Council of the City of Westminster :

And whereas books of reference to the deposited plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands coloured pink on those plans, have been deposited with those plans :

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:—

*The Covent Garden Market Authority*

The Covent  
Garden  
Market  
Authority.

1.—(1) On such day as may be appointed for the purposes of this section by an order made by the Minister by statutory instrument, there shall be constituted an Authority to be called the Covent Garden Market Authority (hereafter in this Act referred to as “the Authority”) which shall exercise and perform the functions assigned to them by this Act.

(2) The Authority shall consist of a chairman and a managing director appointed by the Minister, and such number of other members so appointed, not being less than three nor more than six, as the Minister may from time to time determine.

(3) The members of the Authority shall be appointed from amongst persons appearing to the Minister to have had wide experience of, and shown capacity in, industry, commerce, administration, transport, finance, the practice of the law or the organisation of workers, or to have, in some other respect, special knowledge or experience that would be of value to the Authority in the exercise and performance of their functions, and of the members one shall be a person nominated by the Minister of Transport.

(4) Before appointing a person to be a member of the Authority, the Minister shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as member of the Authority, and the Minister shall also satisfy himself from time to time with respect to every member of the Authority that he has no such interest; and a person who is, or whom the Minister proposes to appoint to be, a member of the Authority shall, whenever required by the Minister so to do, furnish to him such information as the Minister considers necessary for the performance by the Minister of his duties under this subsection.

(5) The Authority—

- (a) shall pay to each member of the Authority other than the managing director, in respect of the member’s office as such, such remuneration (whether by way of salary or fees) and such allowances as the Minister may, with the approval of the Treasury, determine, and to the chairman in respect of his office as such, such remuneration and allowances (in addition to any remuneration and allowances to which he may be entitled in respect of his office as a member), and to the managing director such salary and allowances, as the Minister may, with the like approval, determine; and



- (b) in the case of such members as the Minister may, with the approval of the Treasury determine, shall pay such pensions or make such payments towards the provision of pensions to or in respect of those members as he may, with the like approval, determine in the case of those members respectively.

(6) The Minister shall, as soon as possible after the constitution of the Authority, lay before each House of Parliament a statement of the remuneration and allowances that are or will be payable to the members of the Authority under this section; and, if a subsequent determination by him under this section involves a departure from the terms of the said statement or if a determination by him under this section relates to the payment of, or to payments towards the provision of, a pension to or in respect of a member of the Authority, the Minister shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.

(7) The incidental provisions contained in the First Schedule to this Act shall have effect with respect to the Authority.

*Vesting in the Covent Garden Market Authority of market Lands, and Provisions ancillary thereto*

2. On such day as may be appointed for the purposes of this section by an order made by the Minister by statutory instrument (hereafter in this Act referred to as "the vesting day") the lands in the City of Westminster coloured pink on the deposited plans (hereafter in this Act referred to as "the market lands") shall, by virtue of this section and without further assurance, vest in the Authority for a title comprising all the interests of the Company then subsisting therein, freed and discharged from all mortgages of and charges on those interests but in other respects subject to, and with the benefit of, the covenants (except covenants discharged by the following provisions of this Act), agreements, limitations and rights, to which they were subject and of which they had the benefit immediately before that day.

3. On the vesting day—

- (a) the Letters Patent and the Improvement Act shall cease to have effect; and
- (b) any right of the inhabitants to use the Piazza for the purposes of exercise and recreation shall be extinguished, and so shall any right of the public arising from a presumed dedication as a highway of the Piazza or any part thereof, in so far as that right subsists over the lands in the City of Westminster numbered 9 on the deposited plans.

Vesting of  
market lands.

Revocation  
of Letters  
Patent and  
Improvement  
Act, and other  
provisions  
consequential  
on vesting of  
market lands.

Discharge of certain covenants in, or arising out of, conveyances of land in Covent Garden Area for securing payment of tolls.

4.—(1) A covenant (however expressed) contained in a conveyance executed before the fourth day of November, nineteen hundred and sixty, of land in the Covent Garden Area whose effect is to prohibit the use of that land for the sale or warehousing, without the consent of the vendor or his assignee, of produce for the time being usually sold or dealt with in the Covent Garden Markets, being a covenant to which is annexed a provision (however expressed) whose effect is to preclude the withholding of such consent if the person bound by the covenant enters into a covenant to pay the same tolls in respect of produce sold or warehoused as if it had been dealt with in the Covent Garden Markets, shall be discharged on the vesting day.

(2) A covenant entered into as consideration for the grant of consent, requisite in consequence of the existence of such a covenant as is first mentioned in the foregoing subsection, to the use of land for the sale or warehousing of such produce as is therein mentioned, shall be discharged on the vesting day except as respects any dealing with produce before that day.

Discharge of certain covenants in, or arising out of, leases of land in Covent Garden Area for securing payment of tolls.

5.—(1) Where any land vested in the Authority by section two of this Act is, at the time of vesting, the subject of a lease containing—

- (a) a covenant by the lessee (however expressed) whose effect is to preclude him and persons deriving title through or under him from using the land except for a purpose approved by the lessor ;
- (b) a provision (however expressed) which constitutes the grant of the lessor's approval to the carrying on on the land by the lessee of the business of dealers in produce usually sold or dealt with in Covent Garden Market ;
- (c) a covenant by the lessee, as consideration for the grant of such approval as aforesaid, to pay to the lessor the same tolls in respect of such produce as aforesaid warehoused at, or sold from, the land by the lessee as would be payable in respect thereof if it had been sold in the Covent Garden Markets ; and
- (d) a provision (however expressed) whose effect is to enable the grant of such approval as aforesaid to enure, with the lessor's consent, for the benefit of a person deriving title through or under the lessee and to preclude that consent from being unreasonably withheld where such a person enters into a covenant in the like terms as that of the covenant mentioned in the last foregoing paragraph ;

the following provisions of this section shall have effect.

(2) On the vesting day the covenant mentioned in paragraph (a) of the foregoing subsection shall be discharged in so far as it precludes the lessee or a person deriving title through or

under him from carrying on such business as is mentioned in paragraph (b) of that subsection.

(3) The covenant mentioned in paragraph (c) of subsection (1) of this section shall be discharged on the vesting day except as respects any warehousing or sale of produce before that day, and any covenant entered into in pursuance of the provision mentioned in paragraph (d) of that subsection shall be discharged on that day to the like extent.

6. Any agreement (however expressed, and whether enforceable or not) subsisting immediately before the vesting day, being an agreement whereunder a person is liable, so long as he occupies a stand in, or premises on, the market lands, to pay tolls in respect of produce warehoused at, or sold from, premises occupied by him elsewhere than on the market lands, shall be revoked on that day except as respects any warehousing or sale before that day.

Revocation of agreements by occupiers of stands in, or premises on, market lands to pay tolls in respect of produce dealt with elsewhere.

7.—(1) On the vesting day the property to which this section applies, being property owned by the Company and used or appropriated for use on or in connection with the market lands (other than property fixed to and forming part of those lands), shall, by virtue of this section and without further assurance, vest in the Authority freed and discharged from any mortgage, or any charge or lien for securing money or money's worth, to which any of it is subject.

Vesting of the Company's market chattels.

(2) This section applies to furniture, fixtures, fittings and fixed and movable equipment, and to uniforms of staff of the Company.

8.—(1) In consideration of the vesting in the Authority, by virtue of section two of this Act, of the market lands, there shall be payable by the Authority the like compensation to the like persons as would have been payable by them if they had acquired those lands compulsorily in the circumstances mentioned in the next following subsection; and (subject to subsection (3) of this section) the enactments relating to compensation in respect of the compulsory acquisition of land shall apply accordingly with the necessary modifications.

Compensation for vesting of market lands.

(2) The circumstances referred to in the foregoing subsection are those that would have existed if—

- (a) the Authority were a metropolitan borough which, being capable of being authorised under the Acquisition of Land (Authorisation Procedure) Act, 1946, to purchase compulsorily the market lands, had been so authorised and had served the requisite notices to treat immediately before the vesting day;
- (b) the incorporation of the Lands Clauses Acts with the enactment under which the purchase was authorised

had been effected with such modification as would have been requisite to have permitted the Authority to purchase those lands without the benefit of such covenants as are discharged by the foregoing provisions of this Act; and

- (c) immediately after the service of the said notices the Authority had been in the position of having complied with all the requirements of the Lands Clauses Acts with which (in the circumstances specified in the foregoing paragraphs) they would have had to comply to enable them to do, in accordance with those Acts, all things requisite for vesting the said lands in themselves for such a title as is mentioned in section two of this Act, freed and discharged from the like mortgages and charges as those from which they are freed and discharged by that section but in other respects subject to, and with the benefit of, the covenants, agreements, limitations and rights subject to which, and with the benefit of which, they vest in the Authority by virtue of that section, and they had thereupon done those things.

(3) For the purposes of the foregoing provisions of this section it shall be assumed that the vesting of the market lands in the Authority had operated to vest in them the like rights as are conferred by the Letters Patent and the Improvement Act and that paragraph (b) of section three of this Act had not been enacted, and compensation shall be assessed accordingly.

(4) Any mortgages or charges over the market lands subsisting immediately before the vesting day and from which the Authority acquire them freed and discharged shall be affected in the same way and with the like consequences, and any persons entitled thereto shall have the like rights and obligations, as if the circumstances mentioned in subsection (2) of this section had actually existed.

(5) Compensation payable under this section in consideration of the vesting of the market lands shall carry interest, in respect of the period beginning with the vesting day and ending with the day next before that on which the compensation is paid, at the rate for the time being in force under subsection (2) of section fifty-seven of the Town and Country Planning Act, 1947.

Compensation  
for discharge  
of covenants.

9.—(1) In the case of a covenant discharged by section four of this Act or by subsection (3) of section five thereof, the person entitled to the benefit thereof immediately before the discharge shall be entitled to receive from the Authority, in respect of any loss sustained by him by reason of the discharge, compensation of such amount as, in default of agreement, may be determined by the Lands Tribunal.

(2) For the purpose of assessing the amount of compensation payable under this section in respect of the discharge of a covenant, no regard shall be had to the provisions of section two of this Act.

(3) Compensation payable under this section shall carry interest, in respect of the period beginning with the vesting day and ending with the day next before that on which it is paid, at the rate mentioned in subsection (5) of the last foregoing section.

10.—(1) In the case of an agreement revoked by section six of this Act, the person entitled to the benefit thereof immediately before the revocation shall be entitled to receive from the Authority, in respect of any loss sustained by him by reason of the revocation, compensation of such amount as, in default of agreement, may be determined by the Lands Tribunal. Compensation for revocation of agreements.

(2) Compensation payable under this section shall carry interest, in respect of the period beginning with the vesting day and ending with the day next before that on which it is paid, at the rate mentioned in subsection (5) of section eight of this Act.

11. Where the interest of any person in the benefit of any covenant discharged by section four of this Act or by subsection (3) of section five thereof, or in the benefit of any agreement revoked by section six thereof, is, immediately before the vesting day, subject to a mortgage, or to a charge or lien for securing money or money's worth, any compensation paid under section nine or, as the case may be, ten of this Act in respect of any loss sustained by that person by reason of the discharge or revocation of the covenant or agreement shall be deemed to be comprised in the mortgage, charge or lien. Provisions as to interests under covenants or agreements subject to charges.

12.—(1) In consideration of the vesting in the Authority by virtue of subsection (1) of section seven of this Act of property to which that section applies, there shall be payable to the Company by the Authority compensation of such amount as, in default of agreement, may be determined by the arbitration of a person nominated by the President of the Royal Institution of Chartered Surveyors. Compensation for vesting of chattels.

(2) Compensation payable under this section shall carry interest, in respect of the period beginning with the vesting day and ending with the day next before that on which it is paid, at the rate mentioned in subsection (5) of section eight of this Act.

(3) Where any of the property which vests in the Authority by virtue of the said subsection (1) is, immediately before the vesting day, subject to a mortgage, or to a charge or lien for securing money or money's worth, any compensation paid under

this section in consideration of the vesting thereof in the Authority shall be deemed to be comprised in the mortgage, charge or lien.

Transfer to the Authority of rights and liabilities under contracts for rendering of personal services to the Company.

13.—(1) Subject to the provisions of this section, every contract, whether in writing or not, for the rendering of personal services to which the Company was a party immediately before the vesting day shall have effect, as from that day, in favour of and against the Authority as if—

- (a) the Authority had been a party to the contract instead of the Company; and
- (b) for any reference (however worded and whether express or implied) to the Company there were substituted, as respects anything falling to be done or occurring on or after the vesting day, a reference to the Authority.

(2) There shall be excepted from the operation of this section any right, liability or obligation under any contract for the rendering by any person of personal services to the Company as a director, or as secretary of the Company, or in any capacity in the registered office of the Company.

(3) Where by virtue of this section a liability or obligation in respect of a payment falling due on or after the vesting day becomes the liability or obligation of the Authority, and any part of that payment is attributable to services rendered before the vesting day, an amount equal to the value of the part so attributable may be recovered by the Authority from the Company as a simple contract debt in any court of competent jurisdiction.

Transfer to the Authority of liabilities under the Company's pensions schemes, and appointment of Public Trustee as trustee of certain of those schemes.

14.—(1) Subject to the provisions of this section, the provisions of the deeds, rules and policies specified in Part I of the Second Schedule to this Act, being deeds, rules and policies by virtue of which there subsist—

- (a) a pensions scheme known as the Covent Garden Market Staff Pension and Assurance Scheme (hereafter in this section and in the said Schedule referred to as "the Scheme of 1957");
- (b) a pensions and assurance scheme (hereafter in this section and in the said Schedule referred to as "the Scheme of 1937") established on the first day of July, nineteen hundred and thirty-seven, for the benefit of employees of Covent Garden Properties Company Limited (hereafter in this section and in the said Schedule referred to as "the former company");
- (c) a pension arrangement for the benefit of John Marsh entered into on the twenty-first day of June, nineteen hundred and fifty-six, by the former company,

shall have effect, as from the vesting day, in favour of and against the Authority as if—

- (i) the Authority had been a party, instead of the Company, to each of those deeds to which the Company was a party; and
- (ii) for any reference (however worded, and whether express or implied) to the Company there were substituted, as respects anything falling to be done or occurring on or after the vesting day, a reference to the Authority.

(2) As from the vesting day the Public Trustee shall, by virtue of this section, be appointed trustee of the deeds specified in Part I of the said Second Schedule and comprised in the Scheme of 1957 or the Scheme of 1937 in place of the trustees thereof immediately before that day, and any provision of any of those deeds relating to the composition of the majority of the trustees thereof shall, so long as the Public Trustee is trustee thereof, be of no effect.

(3) Section forty of the Trustee Act, 1925 (which provides for the vesting of trust property in new trustees) shall have effect in relation to the appointment of the Public Trustee under the last foregoing subsection as if that appointment had been made by deed made on the vesting day.

(4) The fees chargeable by the Public Trustee in pursuance of section nine of the Public Trustee Act, 1906, and the expenses of the Public Trustee which might by virtue of that section be retained out of any property subject to the Scheme of 1957 or the Scheme of 1937 if the Public Trustee were a private trustee, shall, instead of being paid or retained as provided by that section, be paid by the Authority.

(5) Part II of the Second Schedule to this Act shall have effect for the purpose of making financial adjustments consequential on the foregoing provisions of this section.

**15.** Any sale or letting of, or of any part of, the market lands effected by the Company after the constitution of the Authority without the previous consent in writing of the Authority shall be void. Restriction of dispositions by the Company of market lands.

#### *Duties and Powers of the Covent Garden Market Authority*

**16.—**(1) On and after the vesting day it shall be the duty of the Authority to provide within the Covent Garden Area facilities (hereafter in this Act referred to as “market facilities”) for the conduct of a market for the dealing in bulk in horticultural produce and any such other commodities as, immediately before that day, were commonly so dealt in on those parts of the market lands commonly known as the Charter Market, the Floral Hall, the Russell Street Market, the Flower Market and the Jubilee Market. Duty of the Authority to provide market and storage facilities.

(2) In the first instance the duty imposed on the Authority by the foregoing subsection shall be discharged by the provision by them of facilities on the market lands, but they shall, so soon as practicable, take such steps as are practicable either to improve those facilities or to provide, in substitution therefor, better ones on other lands within the Covent Garden Area.

(3) It shall be the duty of the Authority to provide, so soon as practicable, adequate facilities (hereafter in this Act referred to as "storage facilities") for the storage of horticultural produce intended to be dealt in in bulk in the Covent Garden Area and of empty containers for produce so dealt in; and so far as practicable the Authority shall provide those facilities outside the Covent Garden Area.

(4) The Authority shall keep the market and storage facilities provided by them under constant review, and shall carry out such alterations or improvements to those facilities as appear to them requisite and practicable.

Duty of the Authority to have regard to public interest and objects to be attained by them.

17.—(1) In the discharge of their duties the Authority shall have regard to the public interest generally and to the desirability of preserving and improving the amenities of the Covent Garden Area, and they shall so exercise and perform their functions—

- (a) as to secure that the amount of land in the Covent Garden Area used for the dealing in bulk in horticultural produce, the storage of horticultural produce intended to be dealt in in bulk and the storage of containers for produce intended to be so dealt in is progressively reduced (and, in particular, that it is so reduced as not to exceed ten acres at the expiration of the period of seven years beginning with the vesting day) and that the land in that Area so used is concentrated within as small and regular an area as may be;
- (b) as to secure that the lands on which they provide market and storage facilities respectively are so laid out as to result in those facilities' being provided within as small and regular areas as may be;
- (c) as to provide, on the last-mentioned lands, adequate and suitable parking places and adequate and suitable places where vehicles may be loaded and unloaded, and as to secure that entrances to those lands from highways and exits from those lands to highways are appropriately sited with a view to minimising traffic congestion;
- (d) as to secure the avoidance of traffic congestion in, and in the vicinity of, the Covent Garden Area and on, and in the vicinity of, any lands outside that area where they are for the time being providing storage facilities;



- (e) as to secure that the lands on which they provide market and storage facilities respectively are so laid out as to minimise danger from fire and that, generally, danger from fire in the Covent Garden Area and on, and in the vicinity of, any lands outside that Area on which they are for the time being providing storage facilities is minimised ;
- (f) as to secure that, so soon as may be and so far as is practicable, empty containers for horticultural produce dealt in in bulk in the Covent Garden Area are not stored in that Area except in premises provided for the purpose by the Authority ;
- (g) as to reduce so far as is practicable, on the one hand, the amount of produce brought in in bulk to the Covent Garden Area for sale while increasing so far as is practicable, on the other hand, the amount of business done by means of the facilities provided by them.

(2) If at any time the Minister is satisfied that it is necessary, in all the circumstances, so to do, he may by order made by statutory instrument (which shall be subject to annulment in pursuance of a resolution of either House of Parliament) give either or both of the following directions, namely,—

- (a) a direction that paragraph (a) of the foregoing subsection shall have effect as if, for the reference to ten acres (or if a reference to some other acreage has previously been substituted by virtue of this paragraph, for the last reference so substituted), there were substituted a reference to such greater acreage as may be specified in the order ;
- (b) a direction that the said paragraph (a) shall have effect as if, for the reference to seven years (or if a reference to some other period has previously been substituted by virtue of this paragraph, for the last reference so substituted), there were substituted a reference to such longer period as may be so specified.

(3) In discharging the duty imposed on them by subsection (1) of the last foregoing section, the Authority shall secure that the facilities provided for the transaction of business by persons who sell by wholesale horticultural produce grown by them are relatively no less adequate than the facilities provided for the transaction of business by other classes of persons.

18.—(1) The Authority shall have power—

- (a) to provide vehicles, plant and machinery for the transport of horticultural produce and containers therefor within the Covent Garden Area or any place outside that Area where the Authority are providing storage facilities or between the Covent Garden Area and any

Additional  
functions of  
the Authority.

such place or for the handling of such produce or containers within that Area or any such place ;

- (b) to provide plant and machinery for accelerating or retarding the ripening of horticultural produce or for securing the storage of such produce at controlled temperatures or otherwise in conditions designed to prevent its deterioration ;
- (c) to provide plant and machinery for washing or cleansing the place where the Authority are providing market facilities or that where they are providing storage facilities ;
- (d) to provide, or secure that there is provided, for persons employed in, or frequenting, the places where market and storage facilities are provided by the Authority, rest rooms, canteens, washing facilities and sanitary conveniences and such other (if any) accommodation or facilities the provision of which appears to the Authority expedient for the purpose of securing the welfare of such persons ;
- (e) to provide (consistently with the discharge of their duties) facilities for enabling persons to carry on, at the place where the Authority are providing market facilities, business consisting of, or comprising, the sale, otherwise than by wholesale, of horticultural produce and such other commodities as are mentioned in subsection (1) of section sixteen of this Act ;
- (f) to carry on all such other activities as it may appear to the Authority to be requisite, advantageous or convenient for them to carry on for or in connection with the discharge of their duties or with a view to making the best use of any of their assets ;

but the Authority shall not, by virtue of paragraph (f) of this subsection, carry on activities with a view to making the best use of any of their assets except with the consent of the Minister.

(2) The Authority shall have power to do any thing and to enter into any transaction (whether or not involving the expenditure, the borrowing or raising in accordance with the following provisions of this Act or the lending of money, the acquisition of any property or rights or the disposal of any property or rights not in their opinion required for the proper exercise or performance of their functions) which in their opinion is calculated to facilitate the proper discharge of their duties or to facilitate the exercise of any of their powers under the foregoing provisions of this section, or is incidental or conducive thereto.

(3) Where, in the exercise or performance of their powers or duties, the Authority render a service to any person, they may

make such charges in respect thereof as may be agreed between the Authority and that person.

**19.** The Town and Country Planning Act, 1947, shall have effect as if references to statutory undertakers in the following provisions thereof, namely,—

paragraph (b) of subsection (2) of section five (designation in a development plan, as land subject to compulsory acquisition by any Minister, local authority or statutory undertakers, of any land allocated by the plan for the purposes of any of their functions),

section nine (land designated as aforesaid ceasing to be so designated in certain circumstances),

section thirty-seven (compulsory acquisition of land designated as aforesaid), and

paragraph (b) of subsection (7) of section forty-five (references to the execution of the works in the Lands Clauses Acts, as incorporated with Part IV of the 1947 Act, to be construed as including references to any erection, construction or carrying out of buildings or works by or on behalf of statutory undertakers, on land acquired by those undertakers, for the purposes for which the land was acquired),

included references to the Authority; and, in relation to the compulsory acquisition of land under the said section thirty-seven by virtue of this section, the appropriate Minister shall be the Minister.

**20.** The Authority may, with the consent of the Minister, promote Bills in Parliament, and may oppose any Bill in Parliament.

#### *Regulation of Marketing in the Covent Garden Area under the Administration of the Covent Garden Market Authority*

**21.**—(1) Subject to the provisions of this section, it shall not, after the expiration of the relevant period, be lawful for any land in the Covent Garden Area to be used—

- (a) for any purpose of a business of selling (whether as principal or as agent) horticultural produce by wholesale; or
- (b) for the storage of horticultural produce in the course of a business which consists of, or includes, an undertaking for the storage for reward of such produce; or
- (c) for the storage of empty containers for horticultural produce in the course of a business which consists of, or includes, an undertaking for the storage for reward of such containers;

unless there is in force a licence granted under this section by the Authority authorising the use of the land for that purpose.

(2) Subject to the provisions of this section, it shall not, after the expiration of the relevant period, be lawful for any land in the prohibited area to be used for any such purpose as is mentioned in paragraph (a), (b) or (c) of the foregoing subsection.

(3) If a person uses land in contravention of the foregoing provisions of this section, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or, on a second or subsequent conviction, not exceeding one hundred pounds.

(4) Subsections (1) and (2) of this section shall not apply to—

- (a) land on which the Authority are providing market or storage facilities or facilities for a purpose incidental to the marketing of horticultural produce,
- (b) land used for office purposes only,
- (c) land used jointly for office purposes and for a purpose other than one mentioned in paragraph (a), (b) or (c) of subsection (1) of this section, or
- (d) land used for any purpose of a business of a wholesale grocer,

and subsection (2) of this section shall not prohibit the use, after the expiration of the relevant period, of land for any purpose of a business of selling horticultural produce by wholesale if the land was used for such a purpose on the fourth day of November, nineteen hundred and sixty, and immediately before the expiration of that period and was not, in the meantime, used for any purpose other than such a purpose as aforesaid.

(5) In this section—

- (a) “land” (without prejudice to section three of the Interpretation Act, 1889) includes part of a building;
- (b) “the relevant period” means the period of four weeks beginning with the vesting day.

Grant,  
duration and  
revocation of  
licences under  
preceding  
section.

**22.**—(1) An application to the Authority for a licence under the last foregoing section in respect of any land shall be made in the prescribed form and identify the land in the prescribed manner, and an application for a licence under the last foregoing section, other than a licence which, if it is applied for, the Authority will, by virtue of the next following subsection, be bound to grant, shall not be made except after the vesting day.

(2) Where, immediately before the vesting day, any land in the Covent Garden Area is used for any such purpose as is mentioned in paragraph (a), (b) or (c) of subsection (1) of the last foregoing section, the Authority shall be bound to grant a licence under that section authorising the use of the land for

that purpose provided that the following conditions are satisfied, namely—

- (a) that, immediately before the fourth day of November, nineteen hundred and sixty, the land was used for such a purpose ;
- (b) that, between that day and the vesting day the land was not used for a purpose other than such a purpose as is so mentioned ; and
- (c) that, within the period of three months beginning with the day on which the Authority are constituted, there has been made to the Authority an application for the grant of a licence, being an application giving the prescribed particulars with respect to the use of the land immediately before and during the period beginning with the said fourth day of November and ending with the making of the application.

(3) Unless within three months after the receipt of an application under this section for the grant of a licence (other than a licence which, if it is applied for, the Authority will, by virtue of the last foregoing subsection, be bound to grant), or within such further time as may be agreed with the applicant, the Authority give notice to the applicant of their decision on the application, the provisions of this Act shall apply in relation to the application as if the Authority had notified the applicant, on the day with which the said period of three months expires, of their refusal to grant the licence.

(4) A licence under the last foregoing section may authorise the use of the land to which it relates either without restriction or for a particular purpose only, and shall, unless revoked under the following provisions of this section, continue in force without limit of time.

(5) A licence under the last foregoing section authorising the use of land for any purpose may, by agreement between the Authority and the person (or all the persons, if more than one) using the land for that purpose, be revoked, so far as it authorises the use of the land for that purpose, either as regards the whole of that land or as regards part of it.

(6) The Authority may of their own motion revoke a licence under the last foregoing section in so far as it authorises the use of land for a particular purpose, and either as respects the whole of the land to which it relates or as respects part of it, provided that alternative accommodation or facilities (whether within or outside the Covent Garden Area) suitable for enabling that purpose to be effected is or are, on the revocation, offered by the Authority to the person or persons then using the land for that purpose, that the terms on which the accommodation or facilities is or are to be offered are reasonable, that six months'

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previous notice in writing of the Authority's intention to revoke the licence (specifying the accommodation or facilities to be offered, stating the terms on which it or they is or are to be offered and giving all other relevant particulars with respect thereto) has been given to the person or persons using the land for that purpose at the time when the notice was given, and that the Authority have secured for the person or persons notified reasonable opportunity for inspecting or investigating the accommodation or facilities to be offered.

(7) The Authority may of their own motion revoke a licence under the last foregoing section in so far as it authorises the use of land for a particular purpose, and either as respects the whole of the land to which it relates or as respects part of it, provided that the land or, in the case of a revocation as respects part of the land, that part, has not been used for that purpose at any time during the relevant period and that one month's previous notice in writing of the Authority's intention to revoke the licence (specifying that purpose) has been given to the person who was the occupier of the land at the time when the notice was given and to the person who was the owner of the land at that time.

In this subsection "owner" means the person for the time being receiving the rackrent of the land, or who would so receive the rackrent if the land were let at a rackrent, and "relevant period" means the period beginning with the day twelve months before the day on which the notice is given and ending with the day next before that on which the notice is given.

(8) Where alternative accommodation or facilities specified in a notice under subsection (6) of this section is or are offered on land that cannot lawfully be used for the purpose for which the accommodation or facilities is or are offered without a licence under the last foregoing section, the Authority, if the offer of the accommodation or facilities is accepted, shall grant the requisite licence.

(9) No fee shall be charged for the grant of a licence under the last foregoing section.

(10) In this section "land" has the same meaning as in the last foregoing section, and "prescribed" means prescribed by the Minister by regulations made by statutory instrument.

Power of court  
to restrain  
revocation  
of licences  
under section  
21.

23.—(1) A person to whom notice is given under subsection (6) of the last foregoing section may, not later than three months before the expiration of the notice, apply to the Westminster county court for a declaration that the accommodation or facilities specified in the notice is not or, as the case may be, are not suitable for effecting the purpose for which it or they will be offered or that the terms on which it is or they are to be offered are unreasonable; and, in determining whether either of those things is so or not, the court shall have regard to all

the circumstances of the case, including the needs of persons who use the land in question for the purpose in question, the objects which, by virtue of subsections (1) and (3) of section seventeen of this Act, are to be attained by the Authority, and the extent of the economies (if any) which, as a result of the Authority's giving effect to those subsections and to subsections (2), (3) and (4) of section sixteen of this Act have accrued or may reasonably be expected to accrue to such persons.

(2) Where an application is duly made to the Westminster county court under the foregoing subsection it shall not be competent to the Authority to avail themselves of their powers under the said subsection (6), so far as the exercise thereof depends on the giving of the notice that resulted in the making of the application, until the application is withdrawn or determined.

(3) A declaration of the Westminster county court under subsection (1) of this section shall, unless and until set aside on appeal, operate to preclude the Authority from availing themselves of their powers under the said subsection (6), so far as the exercise thereof depends on the giving of the notice that resulted in the making of the declaration.

(4) Where a declaration under subsection (1) of this section is refused by the Westminster county court, it shall not be competent to the Authority to avail themselves of their powers under the said subsection (6) (so far as the exercise thereof depends on the giving of the notice that led to the making of application for the declaration) until the time for appealing to the Court of Appeal against the decision of the court has expired nor, if an appeal is entered within that time, until it is withdrawn or determined; and where either—

(a) on an appeal from a decision of the Westminster county court granting such a declaration, the declaration is set aside; or

(b) an appeal from a decision of that court refusing such a declaration is dismissed;

it shall not be competent to the Authority to avail themselves of the powers aforesaid (so far as the exercise thereof depends as aforesaid) until the time for appealing to the House of Lords has expired nor, if an appeal to the House of Lords is duly entered and is withdrawn or dismissed, until (as the case may be) the withdrawal or the expiration of one month from the dismissal.

(5) A person to whom notice is given under subsection (7) of the last foregoing section may, at any time before the expiration of the notice, apply to the Westminster county court for a declaration that the land has been used for the purpose specified in the notice during the relevant period referred to in that subsection, and subsections (2) to (4) of this section shall have effect where

an application is duly made to that court under this subsection as they have effect where an application is duly made to that court under subsection (1) of this section, with the substitution, for references to the powers of the Authority under subsection (6) of the last foregoing section, of references to the powers of the Authority under subsection (7) of that section, and, for references to a declaration under subsection (1) of this section, of references to a declaration under this subsection.

Compensation  
for damage  
due to  
operation of  
sections 21  
and 22.

**24.**—(1) Where, by reason of the refusal of the Authority to grant under section twenty-one of this Act a licence authorising the use of land in the Covent Garden Area, a person suffers damage by reason of the depreciation of an interest of his in that land, he shall be entitled, on making a written claim in that behalf to the Authority before the expiration of the period of six months beginning with the day next following that on which he is notified of the refusal, to recover from them compensation for that damage of such amount as, in default of agreement, may be determined by the Lands Tribunal, provided that the following conditions are fulfilled, that is to say,—

- (a) he was the owner of that interest on the expiration of the relevant period (within the meaning of the said section twenty-one);
- (b) that the conditions specified in paragraphs (a) and (b) of subsection (2) of section twenty-two of this Act are not satisfied in the case of that land; and
- (c) that no licence under that section relating to that land has been revoked.

(2) The foregoing subsection shall apply where, by reason of the grant by the Authority under the said section twenty-one of a licence authorising the use of land for a particular purpose only, a person suffers damage as mentioned in that subsection as it applies where a person so suffers by reason of the refusal of the Authority to grant a licence, subject to the modification that, for the reference to notification of the refusal, there shall be substituted a reference to notification of the grant of the licence.

(3) Any such person as the following, namely—

- (a) a person who, in consequence of the revocation of a licence under section twenty-one of this Act, suffers damage by reason of the depreciation of an interest of his in the land to which the licence related;
- (b) a person who, in consequence of the revocation (otherwise than by virtue of subsection (7) of section twenty-two of this Act) of such a licence, suffers damage by reason of his being disturbed in his enjoyment of the land to which the licence related;



shall be entitled, on making a written claim in that behalf to the Authority before the expiration of the period of six months beginning with the day next following that on which the revocation takes effect, to recover from them compensation for that damage of such amount as, in default of agreement, may be determined by the Lands Tribunal.

(4) Where a person who owns an interest in land in the prohibited area at the expiration of the relevant period (within the meaning of section twenty-one of this Act) suffers, in consequence of the operation of subsection (2) of that section, damage by reason of the depreciation of that interest, he shall be entitled, on making a written claim in that behalf to the Authority before the expiration of the period of six months beginning with the day next following the expiration of that period, to recover from them compensation for that damage of such amount as, in default of agreement, may be determined by the Lands Tribunal.

(5) A deceased person's legal personal representatives shall have the like title to compensation under subsection (1) of this section as the deceased would have had had he survived.

(6) Paragraph 3 of the Fourth Schedule to the Town and Country Planning Act, 1947 (which makes special provision in the case of compensation payable under Part III of that Act in respect of the depreciation of an interest subject to a mortgage) shall, with the substitution, for the reference to the local planning authority, of a reference to the Authority, apply for the purposes of this section as it applies for the purposes of the said Part III.

(7) The Minister may in any particular case (either before, on or after the day with which the time for claiming would otherwise have expired) allow an extended, or further extended, period for making a claim for compensation under subsection (1), (3) or (4) of this section.

**25.—(1) The Authority may make regulations for all or any of the following purposes, namely,—**

- Power of the Authority to control transport and storage of horticultural produce and containers therefor.**
- (a) prohibiting or regulating the bringing into the Covent Garden Area, or the keeping on any land therein (whether or not land whose use for any such purpose as is mentioned in paragraph (a), (b) or (c) of subsection (1) of section twenty-one of this Act is unlawful without a licence under that section) of horticultural produce intended for sale by wholesale or of any specified description of horticultural produce intended for sale by wholesale;
  - (b) prohibiting or regulating the bringing or sending into the Covent Garden Area of empty containers for horticultural produce or any specified description of

empty containers for horticultural produce by persons of all or any of the following classes, namely,—

(i) persons carrying on in the Covent Garden Area the business of selling by wholesale (whether as principals or as agents) horticultural produce ;

(ii) persons who, in the course of a business carried on by them in the United Kingdom, sell horticultural produce to, or through the agency of, such persons as are mentioned in the foregoing sub-paragraph ;

(iii) persons who, in the course of a business carried on by them in the United Kingdom, buy horticultural produce from, or through the agency of, such persons as are mentioned in sub-paragraph (i) of this paragraph ;

(iv) persons who carry on in the United Kingdom a business which consists of, or includes, an undertaking for the storage for reward of such empty containers as aforesaid ;

or requiring persons of all or any of those classes who in the Covent Garden Area have in their possession or under their control such empty containers as aforesaid or any specified description thereof to remove them from that Area or, in default of removal, to deliver them to such premises within that Area as may be designated by or under the regulations for the reception of containers or, as the case may be, containers of that description for storage there or for the collection (for subsequent removal for storage) of containers or, as the case may be, containers of that description ;

(c) in a case where storage facilities are provided by the Authority on premises outside the Covent Garden Area, for prohibiting the use, for the purpose of the storage of horticultural produce intended to be dealt in in bulk in that Area or of empty containers for produce so dealt in, of any land outside those premises but within the circumference of a circle whose centre is situate at such point within those premises as may be specified in the regulations and the length of whose radius is such as may be so specified, not being greater than a quarter of a mile.

(2) Regulations under this section may grant exemptions from any of the provisions thereof or provide for the grant of such exemptions by such persons as may be specified in the regulations.

(3) Regulations under this section shall not have effect until confirmed by an order made by the Minister by statutory instrument which shall set out the regulations in a schedule thereto and of which a draft shall be laid before Parliament.

(4) Where a prohibition is imposed on the use of any land by a provision of regulations having effect by virtue of paragraph (c) of subsection (1) of this section and a person who owns an interest in that land at the coming into operation of that provision suffers, in consequence of the operation of that provision, damage by reason of the depreciation of that interest or of his being disturbed in the enjoyment of that land, he shall be entitled, on making a written claim in that behalf to the Authority before the expiration of a period of six months beginning with the day on which that provision comes into operation, to recover from them compensation for that damage of such amount as, in default of agreement, may be determined by the Lands Tribunal.

Subsections (6) and (7) of the last foregoing section shall apply for the purposes of this subsection as they apply for the purposes of that section.

(5) A person who contravenes or fails to comply with a provision of regulations having effect by virtue of paragraph (a) or (b) of subsection (1) of this section or uses land in contravention of a provision of regulations having effect by virtue of paragraph (c) of that subsection shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or, on a second or subsequent conviction, not exceeding one hundred pounds.

(6) For the purposes of this section a description of horticultural produce may be framed by reference to any circumstances whatsoever.

(7) In this section "land" has the same meaning as in section twenty-one of this Act.

**26.—(1)** The Authority may make byelaws (subject to confirmation by the Minister) for all or any of the following purposes, namely,— **Market byelaws.**

- (a) prohibiting the sale, except during such hours and on such days as may be specified in the byelaws, of horticultural produce brought into the market area and of such other commodities as are mentioned in subsection (1) of section sixteen of this Act that are so brought ;
- (b) prohibiting the bringing of horticultural produce or such other commodities as aforesaid into the market or storage area except during such hours and on such days as may be so specified and prohibiting the removal of such produce or commodities from that area except as aforesaid ;
- (c) prohibiting the use of parts of the market area specified in the byelaws except for the sale or exposure for sale, by sellers of such description as may be so specified, of horticultural produce of such kind as may be so specified or of such other commodities as aforesaid of such kind as may be so specified ;

- (d) prohibiting the erection of stands in the market area elsewhere than at places specified in the byelaws and prohibiting persons, for the purpose of selling horticultural produce or such other commodities as aforesaid, from stationing themselves in that area elsewhere than as aforesaid ;
- (e) regulating the erection of stands in the market area and prohibiting the erection therein of stands of dimensions exceeding those specified in the byelaws or not made wholly of materials of a kind so specified ;
- (f) preventing the outbreak and spread of fire in or on the market area, the storage area, land in respect of which a licence is in force under section twenty-one of this Act or premises where accommodation or facilities are provided in pursuance of paragraph (d) of subsection (1) of section eighteen of this Act and, in particular, for that purpose—
  - (i) imposing requirements with respect to the provision and maintenance of fire-fighting equipment ;
  - (ii) imposing prohibitions, restrictions or requirements with respect to the storage, or the depositing in any place (otherwise than for storage), of such descriptions of produce, containers or packing materials as appear to the Authority to be inflammable ;
  - (iii) imposing prohibitions, restrictions or requirements with respect to the storage, the depositing in any place (otherwise than for storage) or the use of such descriptions of preservatives, accelerators or retarders as appear to the Authority to be inflammable or any such specified preservative, accelerator or retarder as so appears ;
  - (iv) imposing prohibitions, restrictions or requirements with respect to the use of appliances for heating, cooling or lighting and fittings for such appliances ;
  - (v) imposing such prohibitions, restrictions or requirements as appear to the Authority requisite for securing that no articles of any description are stored in such manner as to obstruct the use of fire-fighting equipment ;
- (g) preventing obstruction in the market or storage area and regulating vehicular traffic therein and, in particular, imposing speed limits on vehicles within the market or storage area and restricting or regulating therein the parking of vehicles and the loading or unloading thereof ;

- (h) securing the cleanliness of any such area, land or premises as is or are mentioned in paragraph (f) of this subsection (including, in the case of the market or storage area, shops, stands and other places where horticultural produce is sold or is exposed for sale or inspection) and preventing the accumulation on or in any such area, land or premises, and securing the removal therefrom, of refuse ;
- (i) regulating the conduct of persons resorting to the market or storage area and, in particular, preserving order therein and preventing damage to property therein.

(2) The following provisions of the Local Government Act, 1933, namely, subsections (2) to (7) of section two hundred and fifty, and sections two hundred and fifty-one and two hundred and fifty-two (which relate to the procedure for making, fines for offences against, and evidence of, byelaws) shall apply to byelaws made by the Authority under this section as if the Authority were a local authority and the secretary to the Authority were the clerk to the local authority.

(3) The Minister, before confirming byelaws under this section, may, if he thinks fit, cause a local inquiry to be held.

(4) Before submitting any byelaws under this section to the Minister for confirmation, the Authority shall seek consultation on the byelaws with every local authority having jurisdiction in the area within which the byelaws are to operate.

(5) The Authority shall secure that there shall be kept prominently displayed in the market and storage areas, in such places and in such positions as will enable them to be easily seen and read by persons resorting to those areas respectively, copies of, or summaries of the effect of, such parts of byelaws in force under this section as appear to the Authority to be necessary to be brought to the attention of those persons.

(6) In this section—

- (a) “accelerators” means substances used for accelerating the ripening of horticultural produce ;
- (b) “local authority” means the council of a county, a borough (including a metropolitan borough) or an urban or rural district, and includes the Common Council of the City of London ;
- (c) “the market area” means the land on which the Authority are for the time being providing market facilities ;
- (d) “preservatives” means substances (including insecticides and fungicides) used for preventing deterioration in the condition of horticultural produce ;

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- (e) "retarders" means substances used for retarding the ripening of horticultural produce ;
- (f) "the storage area" means the land on which the Authority are for the time being providing storage facilities.

**Power of the Authority to seize and dispose of articles in certain cases.**

**27.—(1) If—**

- (a) any thing is stored or deposited in contravention of a provision of byelaws having effect by virtue of paragraph (f) of subsection (1) of the last foregoing section ; or
- (b) any horticultural produce or an empty container therefor causes an obstruction in contravention of a provision of byelaws having effect by virtue of paragraph (g) of that subsection,

the Authority may remove it and, subject to the following provisions of this section, may sell or otherwise dispose of it.

(2) It shall be the duty of the Authority, where they remove any produce, container or other thing under this section, to notify, as soon as may be after the removal, the person entitled at the time of removal to the custody or control of the produce, container or other thing, of the fact of its having been removed and of the place to which it has been removed.

(3) The Authority shall not dispose (otherwise than by way of sale) of any produce, container or other thing removed under this section unless, in their opinion, it is unsaleable.

(4) The power of disposal conferred on the Authority by this section shall not, in the case of produce, be exercised before the expiration of the period of seven days beginning with the day next following that on which it is removed unless, in the opinion of the Authority, its condition is such as to render expedient the disposal thereof before the expiration of that time, and the said power shall not, in the case of any other thing, be exercised before the expiration of that period.

(5) Any produce, container or other thing removed under this section shall be delivered to a person entitled to the custody or control thereof if, before it is disposed of under this section, he pays to the Authority the costs reasonably incurred by them in connection with its removal and storage up to the time of payment.

(6) If the net proceeds of the sale under this section of any produce, container or other thing exceed the costs reasonably incurred by the Authority in connection with its removal and storage up to the time of sale, the excess shall be paid to the person who at the time of removal was the owner thereof upon his claiming it ; and if the net proceeds of the sale fall short of such costs, the deficiency may be recovered from that person by the Authority as a simple contract debt in any court of competent jurisdiction.

(7) Where any produce, container or other thing is disposed of under this section otherwise than by way of sale, the costs reasonably incurred by the Authority in connection with its removal and storage up to the time of disposal together with the costs (if any) reasonably incurred by them in connection with the disposal may be recovered from the person who at the time of its removal was the owner thereof by the Authority as a simple contract debt in any court of competent jurisdiction.

**28.**—(1) The Minister may, on the application of the Authority, approve for the purposes of the Covent Garden Area a table of tolls, and (subject to the provisions of this section) the Authority may demand, in respect of horticultural produce brought into that Area on or after the vesting day for the purpose of its being sold by a person who carries on (whether in that Area or not, and whether as principal or as agent) a business of selling such produce by wholesale, either the tolls approved by the Minister or such less tolls as the Authority may from time to time determine.

Power of the  
Authority to  
levy tolls.

(2) Immediately after the Authority submit to the Minister a table of tolls for approval under the foregoing subsection they shall publish, in such manner as the Minister directs (being the manner appearing to him best calculated for bringing the table to the notice of persons likely to be affected thereby), a notice stating that they have submitted the table to him and specifying the place where copies of the table may be inspected and obtained and the time (not being less than twenty-eight days beginning with the day on which the notice is published, or first published) within which objections to the table may be made to him; and if any objections are duly made the Minister shall, before taking any further proceedings in the matter of the table, cause a local inquiry to be held with respect to the objections; and, if he approves the table, may do so either with or without modifications.

(3) The Authority shall keep exhibited in conspicuous places on the land whereon they are for the time being providing market facilities printed tables stating in large and legibly printed characters the several tolls payable under this section.

(4) The person liable to pay tolls under this section in respect of any produce shall be he who carries on the business in the course of which the produce is intended to be sold at the time when it is brought into the Covent Garden Area.

(5) Toll payable under this section shall be paid from time to time on demand to an officer of the Authority specially authorised by them to collect tolls.

(6) If a person liable to pay a toll under this section does not pay it when lawfully demanded, the Authority may recover it as a simple contract debt in any court of competent jurisdiction.

(7) The Authority may, by notice in writing served on any such person as is mentioned in subsection (1) of this section require him to make to them such returns and furnish to them such other information and to produce for examination by them such books or other documents (being books or documents of a description specified in the notice which are in the custody or under the control of that person), as may be necessary for ascertaining the amount of any tolls payable under this section by him to them.

(8) No tolls shall be demanded under this section in respect of produce brought into the Covent Garden Area for the purpose of its being sold by a person carrying on a business of a wholesale grocer.

Power of the Authority to levy on Covent Garden wholesalers charges other than tolls.

**29.**—(1) In addition to levying tolls under the last foregoing section, the Authority shall have power, by virtue of a scheme in that behalf made by them, to impose, on persons carrying on in the Covent Garden Area the business of selling (whether as principals or as agents) horticultural produce by wholesale, charges of such amounts as may be specified in the scheme in respect of sales of such produce made by them in the course of so carrying on that business.

(2) A scheme under this section—

(a) shall specify circumstances (which may include, with or without modification, all or any of those set out in the Third Schedule to this Act) in which, for the purposes of the scheme, sales are to be assumed to have been made and shall provide—

(i) for the amounts of the charges in respect of sales shown to the satisfaction of the Authority to have been made in the specified circumstances to be computed by reference to the prices paid by the buyers under the sales ;

(ii) for the amounts of the charges in respect of sales not so shown to be computed by reference to the prices which, in the opinion of the Authority, would have been paid by the buyers under the sales had the sales been made in the specified circumstances ;

and may provide for the levying of different amounts in different cases ;

(b) may provide for exempting sales of such classes as may be specified in the scheme ;

(c) may provide for exempting, or for empowering the Authority to exempt, from liability under the scheme persons whose gross takings from sales of horticultural produce amount on the average to a sum not exceeding, per annum, such sum as may be specified in the scheme ;



- (d) may specify the manner in which charges under the scheme are to be recovered by the Authority from the persons liable to pay them ;
- (e) may contain provision for securing, to a person liable under the scheme to charges imposed thereunder, rights against other persons (being persons from whom or on whose behalf he buys, or to whom or on whose behalf he sells, produce), of contribution towards satisfaction of all, or any specified proportion, of those charges ;
- (f) may, so far as appears to the Authority necessary for the proper operation of the scheme, require the persons liable to charges thereunder to be registered in a register to be kept by the Authority, to make records and to preserve them for such time (not exceeding, in the case of any record, three years from the making thereof) as may be specified in the scheme and to make or furnish to the Authority returns or other information and to produce to the Authority books and other documents in the custody or under the control of those persons ;
- (g) may make provision for any incidental or supplementary matters for which it appears to the Authority requisite or expedient to make provision for the purposes of the scheme.

(3) The scheme first made under this section shall be so framed as to secure that the charges thereby imposed come into operation on a date to be publicly notified by the Authority in such manner as they think best adapted for informing persons who will become liable to the charges, not being earlier than the vesting day or four weeks after the publication (or first publication) of the notification, and a charge under the scheme shall be payable in respect of a sale notwithstanding that it was made before the date notified if the price is payable thereon or thereafter.

(4) A scheme under this section shall not have effect until confirmed by order of the Minister made by statutory instrument.

(5) The power conferred by subsection (1) of this section to make a scheme shall be construed as including power to vary or revoke it by a subsequent scheme thereunder.

(6) For the purposes of paragraph 5 of the Third Schedule to this Act two persons shall be deemed to be associated in business with one another if, whether directly or indirectly, either of them has any interest in the business or property of the other or both have a common interest in any business or property, or some third person has an interest in the business or property of both of them.

Power to enter premises. **30.**—(1) If a justice of the peace on sworn information in writing,—

- (a) is satisfied that there is reasonable ground for entry into any such premises as are mentioned in subsection (2) of this section for the purpose of ascertaining whether there is, or has been, on or in connection with the premises, a contravention of, or failure to comply with, this Act or regulations or byelaws made thereunder or of removing any article which the Authority have power to remove under section twenty-seven of this Act; and
- (b) is also satisfied either—
  - (i) that admission to the premises has been refused; or
  - (ii) that refusal of admission to the premises is apprehended and that notice of intention to apply for a warrant has been given to the occupier; or
  - (iii) that an application for admission or the giving of such a notice would defeat the object of the entry; or
  - (iv) that the case is one of urgency; or
  - (v) that the premises are unoccupied or the occupier is temporarily absent;

the justice may by warrant under his hand authorise the Authority by any authorised officer of theirs to enter the premises, if need be by force.

(2) The premises referred to in the foregoing subsection are any premises within the Covent Garden Area, the prohibited area or any area wherein the use of land is for the time being restricted by virtue of a provision of regulations having effect by virtue of paragraph (c) of subsection (1) of section twenty-five of this Act, being premises used, or reasonably suspected by the Authority to be used,—

- (a) for any purpose of a business of selling (whether as principal or as agent) horticultural produce by wholesale;
- (b) for the storage of horticultural produce in the course of a business which consists of or includes an undertaking for the storage for reward of such produce; or
- (c) for the storage of empty containers for horticultural produce in the course of a business which consists of, or includes, an undertaking for the storage for reward of such containers.

(3) An authorised officer entering any premises by virtue of a warrant issued under this section may take with him such other persons as may be necessary, and on leaving any premises

which he has so entered, being unoccupied premises or premises from which the occupier is temporarily absent, shall leave them as effectively secured against trespassers as he found them.

(4) Every warrant issued under this section shall continue in force for a period of one month.

(5) A person wilfully obstructing a person acting in the execution of a warrant issued under this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding twenty pounds.

**31.—**(1) A person who fails to comply with a requirement imposed under subsection (7) of section twenty-eight of this Act or a requirement imposed under a scheme under section twenty-nine of this Act as to registration, the making or preservation of records, the making or furnishing of returns or other information or the production of books or other documents, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or, on a second or subsequent conviction, not exceeding one hundred pounds.

**Penalisation of failure to comply with requirements as to making returns, registration, keeping books, &c.**

(2) A person who,—

(a) in compliance with a requirement imposed under the said subsection (7) or such a scheme as aforesaid to make a return or to produce any books or other documents, makes a return or produces a book or other document which he knows to contain an entry which is false in a material particular, or recklessly makes a return or produces a book or other document which contains an entry which is false in a material particular, or

(b) in purported compliance with a requirement imposed as aforesaid, makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular, or

(c) wilfully makes a false entry in a record which is required to be made in pursuance of such a scheme as aforesaid,

shall be guilty of an offence and liable, on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both a fine and such imprisonment, or, 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.

**32.—**(1) If a person discloses any information furnished to or obtained by him in pursuance of a requirement imposed under subsection (7) of section twenty-eight of this Act or under a scheme under section twenty-nine of this Act or while acting in exercise of a warrant issued under section thirty thereof, he

**Restriction of disclosure of information.**

shall be guilty of an offence and liable, on conviction on indictment, to a fine or to imprisonment to a term not exceeding two years or to both a fine and such imprisonment, or, on summary conviction, to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(2) Nothing in this section—

- (a) shall, in the case of information furnished to, or obtained by, a person in pursuance of such a requirement as aforesaid, prevent its disclosure with the consent of the person by whom it was furnished or from whom it was obtained, or in the form of a summary of similar returns or information furnished by or obtained from a number of persons, being a summary so framed as not to enable particulars relating to the business of individual persons to be ascertained therefrom ;
- (b) shall, in the case of information however obtained, prevent its disclosure to a member or officer of the Authority, or for the purposes of any proceedings pursuant to this Act (including arbitrations) or of any criminal proceedings which may be taken whether pursuant to this Act or otherwise, or for the purposes of any report of such proceedings as aforesaid.

*Constitution of Committees with executive and advisory Functions for facilitating the Work of the Covent Garden Market Authority.*

**The Covent  
Garden  
Market  
Management  
Committee.**

33.—(1) On the day on which the Authority are constituted, there shall be constituted a Committee, to be called the Covent Garden Market Management Committee (hereafter in this section referred to as “the Management Committee”).

(2) The provisions of the Fourth Schedule to this Act shall have effect with respect to the constitution of the Management Committee.

(3) The Authority shall seek consultation with the Management Committee on any matter arising or appearing to the Authority to be likely to arise out of an exercise or performance, or a proposed exercise or performance, of their powers or duties, being a matter appearing to the Authority to affect substantially, or to be likely so to affect, the interests of persons of any of the classes mentioned in sub-paragraphs (i) to (iii) of paragraph (b) of subsection (1) of section twenty-five of this Act and not to be of an urgent nature, and may seek consultation with the Management Committee on any other matter, and the Management Committee may of their own motion make to the Authority representations on any matter arising or appearing to the Committee to be likely to arise out of an exercise or

performance, or a proposed exercise or performance, of the Authority's powers or duties, being a matter appearing to the Committee to affect, or to be likely to affect, the interests of any of those whose interests a member of the Committee is appointed as being capable of representing; and it shall be the duty of the Authority to take into consideration any representations made to them by the Committee (whether on a matter on which consultation is sought under this subsection or of the Committee's own motion).

(4) Before making any regulations under section twenty-five of this Act or byelaws under section twenty-six thereof, the Authority shall refer a draft thereof to the Management Committee and shall not submit them to the Minister for confirmation until the expiration of the period of twenty-one days beginning with the day next following that on which they are so referred; and if before the expiration of that period the Authority receive from the Management Committee objections to the regulations or byelaws and do not, before submitting them to the Minister, amend them so as to meet all the objections, the Authority shall, when submitting the regulations or byelaws to the Minister, submit therewith a statement setting out each objection not met by an amendment and, in relation thereto, any proposal that may have been made by the Management Committee for meeting it.

(5) The Authority may, to such extent as they think fit, delegate to the Management Committee their powers and duties so far as exercisable or performable for the purposes of the day to day supervision and control of the use of the market and storage facilities provided by the Authority.

**34.—**(1) On the day on which the Authority are constituted, there shall be constituted a Committee, to be called the Covent Garden Traffic Committee (hereafter in this section referred to as "the Traffic Committee"), consisting of a chairman (who shall be the person who is for the time being the managing director of the Authority), such number of persons appointed by the Authority, being officers thereof, as may be determined from time to time by the Authority, and such number of other persons so appointed, not being less than nine nor more than twelve, as may be so determined.

The Covent  
Garden Traffic  
Committee.

(2) Of the appointed members of the Traffic Committee who are not officers of the Authority two shall be persons nominated by the Minister of Transport and seven shall be persons nominated respectively by the Minister, the Secretary of State, the London County Council, the Council of the City of Westminster, the Council of the Metropolitan Borough of Holborn, the British Transport Commission and the Trades Union Congress.

(3) No person shall be nominated by a Minister of the Crown for appointment as a member of the Traffic Committee unless that Minister is satisfied that that person has had wide experience of, and shown capacity in, the road haulage industry or traffic matters, and no person who is neither a nominee of a Minister of the Crown nor an officer of the Authority shall be appointed to be such a member unless the Authority are similarly satisfied.

(4) The Authority shall seek consultation with the Traffic Committee on any matter arising or appearing to the Authority to be likely to arise out of an exercise or performance, or a proposed exercise or performance, of their powers or duties, being a matter appearing to the Authority to be connected with problems of transport or traffic attributable to the situation of the lands whereon they are for the time being providing market or storage facilities or of the entrances to those lands from highways or of the exits from those lands to highways or to the provision by the Authority of any other facilities.

**The Covent  
Garden  
Market  
Workers  
Committee.**

35.—(1) On the day on which the Authority are constituted, there shall be constituted a Committee, to be called the Covent Garden Market Workers Committee (hereafter in this section referred to as “the Workers Committee”), which shall consist of a chairman (who shall be the person who is for the time being the managing director of the Authority), such number of persons appointed by the Authority, being officers thereof, as may be determined from time to time by the Authority, and such number of other persons so appointed, not being less than five nor more than ten, as may be so determined.

(2) The members of the Workers Committee, other than the chairman and those who are officers of the Authority, shall be persons appointed as capable of representing the interests of workers employed in the production, marketing, transport or distribution of horticultural produce; and before appointing a person to be a member of the Workers Committee as capable of representing the interests of workers so employed the Authority shall consult with such bodies as appear to them to represent the interests of those whose interests the person to be appointed is to represent.

(3) The Authority shall seek consultation with the Workers Committee on any matter arising or appearing to the Authority to be likely to arise out of an exercise or performance, or a proposed exercise or performance, of their powers or duties being a matter appearing to the Authority to affect or to be likely to affect workers engaged in work connected with the market and storage facilities provided by the Authority or with the transport of horticultural produce to or from the lands on which such facilities are for the time being so provided, and the Workers Committee may of their own motion make to the

Authority representations on any matter arising or appearing to the Committee to be likely to arise out of an exercise or performance, or a proposed exercise or performance, of the Authority's powers or duties, being a matter appearing to the Committee to affect, or to be likely to affect, the interests of such workers as aforesaid; and it shall be the duty of the Authority to take into consideration any representation made to them by the Committee (whether on a matter on which consultation is sought under this subsection or of the Committee's own motion).

36. The provisions of the Fifth Schedule to this Act shall have effect with respect to each of the three Committees aforesaid.

Incidental provisions with respect to the three Committees.

#### *Financial Provisions*

37. It shall be the duty of the Authority so to exercise and perform their powers and duties under this Act as to secure that their revenues are not less than sufficient to meet all sums properly chargeable to revenue account, taking one year with another; and with a view to ensuring that that duty is discharged in ample manner the Minister may give to the Authority such directions as he thinks fit for increasing their revenues by availing themselves of the powers conferred by sections twenty-eight and twenty-nine of this Act, and the Authority shall comply with the directions.

General duty of the Authority as to finance.

38.—(1) Subject to the provisions of the next following section, the Authority may borrow temporarily, by way of overdraft or otherwise, such sums as the Authority may require—

Borrowing powers.

(a) for the purpose of defraying expenses (including the payment of interest on sums previously borrowed by them under this or the next following subsection or raised by them under subsection (3) of this section) pending the receipt of revenues receivable by them in respect of the accounting period in which those expenses are chargeable; and

(b) for the purpose of defraying, pending an exercise of their powers under the next following subsection, expenses intended to be defrayed by means of the exercise thereof.

(2) Subject to the provisions of the next following section, the Authority may borrow by the issue of stock or debentures for any of the following purposes, namely,—

(a) the payment of compensation under any of the foregoing provisions of this Act;

(b) the payment of the purchase money payable in respect of the acquisition by agreement by the Authority of

any interest in land or of compensation payable in respect of a compulsory acquisition of land by virtue of section nineteen of this Act ;

- (c) the provision of money for meeting any expenses incurred by the Authority in connection with the execution of works the cost of whose execution is properly chargeable to capital account ;
- (d) the payment of the purchase price of vehicles, plant or machinery provided by the Authority in exercise of the powers conferred by paragraphs (a) to (c) of subsection (1) of section eighteen of this Act ;
- (e) the provision of any working capital required by them ; and
- (f) any other purpose for which capital moneys are properly applicable.

(3) The Authority may raise money for all or any of the following purposes, namely,—

- (a) any of the purposes for which money may be borrowed under subsection (1) or (2) of this section (other than the repayment of money previously borrowed under the said subsection (2) or raised under this subsection or the replacement of money temporarily applied in repaying money previously borrowed under the said subsection (2)) ; and
- (b) the payment of interest on any sums previously raised under this subsection ;

by the taking of advances from the Minister.

(4) For the purposes of paragraph (f) of subsection (2) of this section, there shall be treated as purposes for which capital moneys are properly applicable—

- (a) the payment of any interest, falling due within five years immediately following the date of the borrowing, on any amount borrowed by the Authority under that subsection for the purpose of fulfilling the duty imposed on them by section sixteen of this Act to improve market facilities on the market lands or to provide better ones elsewhere (including any necessary acquisition of land) ;
- (b) the expenses of the creation or issue by the Authority of any stock or debentures ;
- (c) the repayment of moneys previously borrowed under paragraph (b) of subsection (1), or under subsection (2), of this section or raised under the last foregoing subsection ;
- (d) the replacement of moneys which, during the preceding twelve months, have been temporarily applied from other moneys of the Authority in repaying moneys



previously borrowed under paragraph (b) of subsection (1), or under subsection (2), of this section or raised under the last foregoing subsection and at the time of repayment it was intended to replace by borrowed moneys ;

but the Authority shall not, by virtue of the foregoing paragraphs, have power to borrow—

- (i) for the purpose of making any payment to a sinking fund or any payment of an instalment or any annual payment which has or may become due in respect of moneys borrowed or raised under this section ; or
- (ii) for the purpose of replacing any moneys previously borrowed or raised under this section which have been repaid by instalments or annual payments or by means of a sinking fund, or out of moneys derived from the sale of land, or out of any capital moneys properly applicable for the purpose of the repayment, other than moneys borrowed for that purpose.

**39.**—(1) The aggregate of the amounts outstanding by way of principal in respect of—

- (a) borrowings under subsection (1) of the last foregoing section ;
- (b) borrowings under subsection (2) of that section (excluding borrowings for making such repayment as is mentioned in paragraph (c) of subsection (4) thereof) ; and
- (c) advances taken under subsection (3) of that section by the Authority from the Minister ;

Restrictions on, and provisions supplementary to, borrowing powers.

shall not at any time exceed twenty million pounds.

(2) Any amount borrowed under subsection (2) of the last foregoing section shall be finally paid off at the expiration of such period (not exceeding sixty years) beginning with the day on which it was borrowed as the Authority may, with the approval of the Minister, fix in the case of that amount.

(3) For the purposes of the last foregoing subsection an amount borrowed under subsection (2) of the last foregoing section shall, to the extent (if any) to which it is borrowed for the purpose of defraying expenses that were initially defrayed by means of money borrowed under paragraph (b) of subsection (1) of that section, be deemed to have been borrowed when the borrowing under that paragraph took place.

(4) For the purposes of subsection (2) of this section any amount borrowed by virtue of paragraph (c) or (d) of subsection (4) of the last foregoing section shall, to the extent (if any) to which it was borrowed for the purpose of repaying money

borrowed previously under subsection (2) of that section or of replacing money temporarily applied in repaying money so borrowed, be treated as forming part of the money originally borrowed; but the Minister may, upon application made to him for the purpose, extend the period for the final paying off of an amount borrowed by virtue of the said paragraph (c) or (d), to the extent to which it was borrowed as aforesaid, so as to expire on such date as he thinks fit, not being later than the expiration of the period of sixty years beginning with the date of the borrowing of the money originally borrowed.

(5) During any period during which any advance taken from the Minister under subsection (3) of the last foregoing section is outstanding, the powers of borrowing conferred by subsections (1) and (2) of that section shall not be exercised except with the consent of the Minister and with the approval of the Treasury.

(6) A person lending money to the Authority shall not be bound to inquire whether the borrowing of money is within the power of the Authority.

(7) So long as the borrowing or raising of money in Great Britain without the consent of the Treasury is regulated by the provisions of an order made under the Borrowing (Control and Guarantees) Act, 1946, nothing in this or the last foregoing section shall be taken as authorising the borrowing of money by the Authority without the consent of the Treasury given under those provisions.

(8) The Authority shall not borrow any money except in accordance with the provisions of this and the last foregoing section.

**Advances by  
the Minister.**

**40.—**(1) Subject to the provisions of this section, the Minister may make to the Authority advances for any of the purposes for which they may raise money by the taking of advances from him, and the Treasury may issue to the Minister out of the Consolidated Fund of the United Kingdom such sums as are necessary to enable him to make the advances.

(2) The aggregate amount outstanding by way of principal in respect of any advances made under this section shall not at any time exceed eight million pounds.

(3) No advance shall be made under this section after the expiration of the period of ten years beginning with the vesting day.

(4) Any advance which the Minister makes under this section shall be repaid to him at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times as he may, with the approval of the Treasury, direct.

(5) For the purpose of providing sums to be issued under this section out of the Consolidated Fund to the Minister, 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 (4) of this section shall be paid into the Exchequer and shall be issued out of the Consolidated Fund of the United Kingdom at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—

- (a) so much of those sums as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit ; 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 Minister shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of sums issued to him under subsection (1) of this section and of sums received by him under subsection (4) of this section and of the disposal by him of those sums respectively, and send it to the Comptroller and Auditor General not later than the end of November following the year ; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

41.—(1) The Authority may create and issue any stock or debentures required for the purpose of exercising their powers under subsection (2) of section thirty-eight of this Act, and stock and debentures created and issued for that purpose shall be known respectively as Covent Garden Market stock and Covent Garden Market debentures.

Covent Garden  
Market stock  
and  
debentures.

(2) Stock and debentures created and issued as aforesaid shall be charged indifferently on all the revenues and property of the Authority and shall rank equally without any priority.

(3) Such stock and debentures shall be issued, transferred, dealt with and (subject to the provisions of subsections (2) to (4) of section thirty-nine of this Act) redeemed upon such terms and in accordance with such provisions as may be prescribed by regulations made by the Minister with the approval of the Treasury ; and any such regulations may, in relation to any such stock or debentures, apply (with or without modifications) any

provisions of the Local Loans Act, 1875, or of any enactments relating to stock or debentures issued by a local authority, so far as it is consistent with the last foregoing subsection so to do.

(4) The power to make regulations under this section shall be exercisable by statutory instrument; and an instrument containing such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Reserve fund.

**42.**—(1) The Authority shall establish and maintain a reserve fund.

(2) The management of the said fund and the sums to be carried to the credit thereof shall, subject to the next following subsection, be such as the Authority may determine.

(3) At any time when the aggregate amount of the moneys standing to the credit of the reserve fund is not less than one tenth of the aggregate of the amounts outstanding by way of principal in respect of any borrowing or raising of money under section thirty-eight of this Act (excluding amounts borrowed for making such repayment as is mentioned in paragraph (c) of subsection (4) of that section), the Minister may, with the approval of the Treasury, give to the Authority such directions as he thinks fit as to any matter relating to the management of that fund or as to the carrying of sums to the credit thereof.

(4) A direction given under the last foregoing subsection shall be complied with by the Authority, but any such direction shall cease to have effect upon the aggregate amount of the moneys standing to the credit of the reserve fund ceasing to be such as is mentioned in that subsection.

(5) Subject to any direction under subsection (3) of this section, the Authority shall have power to apply moneys comprised in the reserve fund as hereinafter described, but not otherwise, that is to say,—

- (a) to the purpose of meeting any charges to be defrayed out of the revenues of the Authority (other than the carrying of moneys to the said fund) to the extent to which those revenues are insufficient to meet those charges, and
- (b) with the consent of the Minister, to any other purpose of the Authority.

Duty of the Authority to make proper charges to revenue account.

**43.** The Authority shall charge to revenue account in every accounting period all charges which are proper to be made to revenue account, including, in particular, proper allocations to the reserve fund, proper provision for the redemption of capital and proper provision for depreciation of assets or for renewal of assets, and any reference in this Act to sums properly chargeable to revenue account shall be construed accordingly.

**44.** Any excess of the revenues of the Authority for any Accounting period over the total sums properly chargeable by the Authority to revenue account for that period shall, if, and to the extent to which, the Minister (with the approval of the Treasury and after consultation with the Authority) so directs, be paid into the Exchequer, and so far as not so paid shall be applicable for such purposes of the Authority as they may determine.

**45.** The Authority may invest any sums in their hands which are not for the time being required by them for the purposes of their business in any securities in which trustees are by law authorised to invest trust moneys.

#### *Reports, Accounts and Returns*

**46.—(1)** The Authority shall, as soon as possible after the end of each of their accounting periods, make a full report to the Minister on the exercise and performance by them of their powers and duties during that period.

(2) The Authority shall keep proper accounts and proper records in relation to the accounts and shall prepare in respect of each accounting period a statement of accounts in such form as the Minister, with the approval of the Treasury, may direct, being a form which shall conform to the best commercial standards.

(3) The accounts of the Authority shall be audited by auditors to be appointed by the Authority with the approval of the Minister, and a person shall not be qualified to be so appointed unless he is a member of one or more of the following bodies—

The Institute of Chartered Accountants in England and Wales ;

The Institute of Chartered Accountants of Scotland ;

The Association of Certified and Corporate Accountants ;

The Institute of Chartered Accountants in Ireland ;

Any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section one hundred and sixty-one of the Companies Act, 1948, by the Board of Trade.

(4) The report required by subsection (1) of this section for any accounting period shall set out any direction given to the Authority under section thirty-seven or forty-two of this Act during that period and shall include such information relating to the plans, and past and present activities, of the Authority and the financial position of the Authority, as the Minister may from time to time direct.

(5) There shall be attached to the said report for each accounting period a copy of the statement of the accounts in respect of that period and a copy of any report made on the statement by the auditors.

(6) The Authority shall furnish to the Minister such returns or other information relating to the property or activities or proposed activities of the Authority as the Minister may from time to time require, and shall afford him facilities for the verification of information furnished by them in such manner and at such times as he may require.

(7) The Minister shall lay a copy of each report made to him under subsection (1) of this section and of the statement attached thereto before each House of Parliament, and copies of each such report and statement shall be made available to the public at a reasonable price.

Disqualifica-  
tion of  
members of the  
Authority for  
membership of  
the House of  
Commons.

#### *Supplemental Provisions*

47. Part II of the First Schedule to the House of Commons Disqualification Act, 1957 (which specifies the bodies of which the members are disqualified under that Act) shall have effect, in its application to the House of Commons of the Parliament of the United Kingdom, with the insertion after the entry relating to the Council on Tribunals of the words:—

“The Covent Garden Market Authority”.

Registration  
of restrictions  
under sections  
21 and 25.

48.—(1) It shall be the duty of the proper officer of the council of the local authority within whose area any of the land affected by a restriction imposed by section twenty-one of this Act, or by regulations having effect by virtue of paragraph (c) of subsection (1) of section twenty-five of this Act, is situated to register the restriction in the register of local land charges in like manner as if it were a restriction to which section fifteen of the Land Charges Act, 1925, applies by virtue of paragraph (b) of subsection (7) of that section.

(2) It shall be the duty of the Authority as soon as may be after the making of any regulations imposing a restriction affecting land and having effect by virtue of paragraph (c) of subsection (1) of the said section twenty-five to notify the proper officer of the local authority within whose area the land is situated of the restriction, and to furnish him with all necessary information relating thereto.

(3) A registration of any such restriction as is referred to in the last foregoing subsection may be cancelled on the cesser thereof in like manner as a restriction to which section fifteen of the Land Charges Act, 1925, applies by virtue of paragraph (b) of subsection (7) of that section, and section seventeen (except subsection (3) thereof) of that Act (which section relates

to official certificates of search) and any regulations for the time being in force made under that Act, so far as they relate to the form of an official certificate of search under the said section seventeen, shall have effect as if any entry made in the register of local land charges by virtue of this section were made therein by virtue of the said Act of 1925.

(4) In this section—

“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;

“proper officer” in relation to the council of a county borough, county district or metropolitan borough, means the clerk, or the person for the time being authorised to act as clerk, of the council, and in relation to the Common Council of the City of London, means the town clerk, or the person for the time being authorised to act as town clerk, of the City.

**49.** Subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which provides for the holding of inquiries for the purposes of that Act) shall apply to an inquiry held under subsection (3) of section twenty-six of this Act or subsection (2) of section twenty-eight thereof as they apply to an inquiry held under the said section two hundred and ninety, subject to the following modifications, namely,—

- (a) for references to a department, there shall be substituted references to the Minister;
- (b) subsection (4) shall have effect as if references therein to the payment of costs by a local authority not being a party to the inquiry had been omitted.

**50.**—(1) Any document required or authorised by, or by virtue of, this Act to be given to or served on a person may be given or served either by delivering it to him, or by leaving it at his proper address, or by post.

Provisions as to service of documents.

(2) Any such document required or authorised to be given to or served on an incorporated company or body shall be duly given or served if it is given to or served on the secretary or clerk of the company or body.

(3) For the purposes of this section, and of the application thereof of section twenty-six of the Interpretation Act, 1889, the proper address of any person to or on whom any such document as aforesaid is to be given or served shall, in the case of the secretary or clerk of an 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 to or on whom the document is to be given or served:

Provided that where the person to or on whom a document is to be given or served has furnished an address for service, being an address in the United Kingdom, his proper address for those purposes shall be the address so furnished.

(4) If it is not practicable after reasonable inquiry to ascertain the name or address of an owner or occupier of land to or on whom any such document is to be given or served, the document shall be deemed to have been duly given to or served on him by addressing it to him by the description of "owner" or "occupier" of the land (describing it) to which it relates and by delivering it to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.

Limitation of  
exercise, out-  
side Covent  
Garden Area,  
of Authority's  
powers.

**51.** Nothing in this Act shall authorise the Authority to provide outside the Covent Garden Area facilities for the making of contracts for the sale or exchange of horticultural produce or any other market facilities, and the Authority shall not permit the use of any storage facilities which may be provided by them outside that Area, or of any premises in which storage facilities are so provided by them, for the purpose of the making of such contracts or of other dealing in horticultural produce.

Saving for  
planning  
control.

**52.** For the purposes of subsection (1) of section one hundred and eighteen of the Town and Country Planning Act, 1947 (which relates to the application of that Act to land regulated by special enactments) this Act shall be deemed to be an enactment in force at the passing of the said Act of 1947.

Interest  
provisions  
of this Act to  
prevail as  
regards  
compensation  
under sections  
8 to 10, and 12.

**53.** Neither any rule under the Lands Tribunal Act, 1949, enabling a direction to be given that a sum awarded shall carry interest, nor section twenty of the Arbitration Act, 1950, shall apply to a sum payable by way of compensation under section eight, nine, ten or twelve of this Act.

Meaning of "the  
Covent Garden  
Area" and "the  
prohibited area",  
and proof of  
extent of first-  
mentioned area.

**54.—(1)** In this Act—

(a) "the Covent Garden Area" means the area enclosed by the continuous red line on the map marked with the designation "the Covent Garden Area" and signed in triplicate by Alfred Roy Wise, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was committed, of which one copy has been deposited in the Private Bill Office of



the House of Commons, another copy has been deposited in the Office of the Clerk of the Parliaments and the third copy has been retained by the Minister ;

- (b) “ the prohibited area ” means so much of the area enclosed by the circumference of a circle, whose centre is at the point marked “ A ” on the map aforesaid (whereof the Ordnance Survey national grid co-ordinates are 530,407 East and 181,188 North) and the length of whose radius is three quarters of a mile, as lies outside the Covent Garden Area.

(2) The map mentioned in the foregoing subsection shall be for the purposes of this Act conclusive evidence of the extent of the Covent Garden Area ; and a copy of that map purporting to be printed under the superintendence or authority of Her Majesty’s Stationery Office shall be of equal validity with the original.

**55.—(1) In this Act—**

“ accounting period ” means the period beginning with the constitution of the Authority and ending with such day falling not more than fifteen months later as the Authority may determine, or any subsequent period of not more than fifteen months, beginning with the end of a previous accounting period, which the Authority may determine ;

General  
interpretation  
provisions.

“ the Authority ” means the Covent Garden Market Authority ;

“ the Company ” means Covent Garden Market Limited ;

“ container ” means a portable container, whether rigid or not, and includes a tray ;

“ the deposited plans ” has the meaning assigned to it by the seventh recital of the preamble to this Act ;

“ functions ” includes powers and duties ;

“ horticultural produce ” means—

- (a) fresh fruit, dried fruit, frozen fruit and fruit preserved in airtight containers ;
- (b) fresh vegetables, dried vegetables, frozen vegetables and vegetables preserved in airtight containers ;
- (c) fresh herbs and dried herbs ;
- (d) fresh edible fungi, dried edible fungi and edible fungi preserved in airtight containers ;
- (e) nuts ;
- (f) cut flowers ;
- (g) dried flowers ;

- (h) decorative foliage ;
  - (i) Christmas trees ;
  - (j) pot plants, bedding plants and herbaceous plants ;
  - (k) flowering trees and shrubs (whether flowering or not) ; and
  - (l) seeds, bulbs, corms, tubers and seed potatoes ;
- “ the Improvement Act ” has the meaning assigned to it by the fourth recital of the preamble to this Act ;
- “ the Letters Patent ” has the meaning assigned to it by the first recital of the preamble to this Act ;
- “ market facilities ” has the meaning assigned to it by subsection (1) of section sixteen of this Act ;
- “ the market lands ” has the meaning assigned to it by section two of this Act ;
- “ the Minister ” means the Minister of Agriculture, Fisheries and Food ;
- “ the Piazza ” has the meaning assigned to it by the first recital of the preamble to this Act ;
- “ stand ” includes a stall and any other fitting for the exposure of horticultural produce for sale or by way of sample ;
- “ storage facilities ” has the meaning assigned to it by subsection (3) of section sixteen of this Act ;
- “ the vesting day ” has the meaning assigned to it by section two of this Act ;

and references in this Act to selling by wholesale shall be construed generally and not as limited to selling to a person who buys in order to sell again.

(2) For the purposes of this Act a building intersected by the circumference of the circle referred to in paragraph (b) of subsection (1) of the last foregoing section shall be treated as being outside the prohibited area.

Short title.

**56.** This Act may be cited as the Covent Garden Market Act, 1961.

## SCHEDULES

## FIRST SCHEDULE

Section 1.

INCIDENTAL PROVISIONS WITH RESPECT TO THE COVENT GARDEN  
MARKET AUTHORITY

1. The Authority shall be a body corporate with perpetual succession and a common seal.

2.—(1) Each member of the Authority shall hold and vacate office in accordance with the terms of his appointment; but notwithstanding anything in those terms he may at any time resign his office by notice in writing.

(2) A person who has held office as a member of the Authority shall be eligible for reappointment.

3. The Authority may act notwithstanding a vacancy among the members of the Authority, and no act of the Authority shall be deemed to be invalid by reason only of a defect in the appointment of any of the members.

4. In the case of an equality of votes at a meeting of the Authority, the chairman of the meeting shall have a second or casting vote.

5.—(1) A member of the Authority shall, if he is in any way directly or indirectly interested in a contract made or proposed to be made by the Authority, or in a licence from the Authority under this Act or an application for such a licence, disclose the nature of his interest at a meeting of the Authority as soon as possible after the relevant circumstances have come to his knowledge:

Provided that nothing in this sub-paragraph applies to an interest in stock or debentures issued by the Authority.

(2) A disclosure made by a member under the foregoing sub-paragraph shall be recorded in the minutes of the Authority, and that member—

(a) shall not take part after the disclosure in any deliberation or decision of the Authority with respect to that contract, licence or application, and

(b) shall be disregarded for the purpose of constituting a quorum of the Authority for any such deliberation or decision.

6. The Authority may appoint such advisory committees as they think fit to consider such matters with which the Authority may be concerned as they may specify and to report thereon to the Authority, and any such committee may comprise persons who are not members of the Authority.

7. Subject to the foregoing provisions of this Schedule, the Authority may determine their own quorum and procedure and the quorum and procedure of committees appointed by them under the last foregoing paragraph.

## 1ST SCH.

8.—(1) The Authority shall appoint a secretary and may appoint such other officers and such servants as the Authority may determine.

(2) The Authority shall—

- (a) pay to their officers and servants such remuneration as they may determine, and
- (b) as regards any officers or servants in whose case it may be determined by the Authority with the approval of the Minister so to do, pay to or in respect of them such pensions, or provide and maintain for them such pension schemes (whether contributory or not), as may be so determined.

9. The application of the seal of the Authority shall be authenticated by the signatures of the chairman of the Authority or some other member thereof authorised by the Authority to authenticate the application of the seal thereof and of the secretary or some person authorised by the Authority to act in his stead in that behalf.

## Section 14.

## SECOND SCHEDULE

## PENSIONS SCHEMES

## PART I

## DEEDS, RULES AND POLICIES

*The Scheme of 1957*

Trust deed dated 1st July, 1957, whereto the parties were the former company, and Henry Roderick Moore, John Max Keyworth and John Marsh.

Supplemental deed dated 3rd April, 1958, whereto the parties were the former company, the Company, and Henry Roderick Moore, John Max Keyworth and John Marsh.

Definitive deed dated 17th December, 1958, whereto the parties were the Company, and Henry Roderick Moore, John Max Keyworth and John Marsh.

Rules of the Market Staff Pension and Assurance Scheme contained in the Schedule to the said deed of 17th December, 1958.

Group Life Policy No. 2576200 dated 15th September, 1959, whereby the Eagle Star Insurance Company Limited granted to the trustees of the Scheme of 1957 an assurance on the lives therein described.

Group Pension Annuity Policy No. 231915 dated 15th September, 1959, whereby the Eagle Star Insurance Company Limited granted to the trustees of the Scheme of 1957 the pension annuities therein described.

*The Scheme of 1937*

Deed dated 1st November, 1937, whereto the parties were the former company, and Louis Nicholas, William George Irving and Stanley Ebenezer Burrows.

Rules of the Pension and Assurance Scheme of Covent Garden Properties Company Limited contained in the Schedule to the said deed of the 1st November, 1937.

Deed supplemental to the said deed of 1st November, 1937, and dated 24th August, 1951, whereto the parties were the former company and Henry Roderick Moore, Stanley Ebenezer Burrows and Charles Percy Heselden.

Deed supplemental to the said deed of 1st November, 1937, and dated the 6th October, 1958, whereto the parties were the former company, the Company and Henry Roderick Moore, John Max Keyworth and John Marsh.

Group Pension Policy No. 141892 dated 8th December, 1937, whereby the Eagle Star Insurance Company Limited granted to the trustees of the Scheme of 1937 the pensions therein described.

*Pension Arrangement for Benefit of John Marsh*

Agreement, dated 21st June, 1956, whereto the parties were the former company and John Marsh, so far as that agreement relates to the provision of superannuation benefits for the said John Marsh.

Life Policy No. 218536 dated 12th February, 1958, whereby the Eagle Star Insurance Company Limited granted an assurance on the life of John Marsh to the former company.

Agreement supplemental to the said agreement of 21st June, 1956, and dated 6th October, 1958, whereto the parties were the former company, the Company, and John Marsh, so far as that agreement relates to the provision of superannuation benefits for the said John Marsh.

Assignment of the last-mentioned life policy, dated 6th October, 1958, whereto the parties were the former company, John Marsh, and the Company.

PART II

FINANCIAL ADJUSTMENTS

1.—(1) The Government Actuary shall ascertain—

- (a) the value of any payments due before the vesting day under the Scheme of 1957 from the Company to the trustees of the said Scheme which remain outstanding on that day, being payments in respect of contributions from members of the Scheme or additional sums to secure pension benefits under the Scheme ;
- (b) the value of so much of any payments due before the vesting day by way of premium on any policy comprised in the Scheme of 1957, the Scheme of 1937 or the said pension arrangement for the benefit of John Marsh as is attributable to any period before that day, being payments which remain outstanding on that day and which the Company is liable to make under either of those Schemes or the said pension arrangement ;

T

**2ND SCH.**

(c) the value of any of the costs, charges and expenses incurred before the vesting day by the trustees of the Scheme of 1957 and the trustees of the Scheme of 1937 in or about the execution of the trusts of those Schemes, which have not been paid by the Company in pursuance of the obligation imposed on them so to do by those Schemes, and

(d) the value, on the vesting day, of the aggregate of the amount of the premiums described as "special annual premiums" (being premiums for the provision of pension annuities corresponding to pensions in respect of service with the Company before the date of commencement of the Scheme of 1957) payable on or after the vesting day under the said Group Pension Annuity Policy No. 231915.

(2) If it appears to the Government Actuary that any payments have been made before the vesting day by the Company—

(a) to the trustees of the Scheme of 1957 or the Scheme of 1937, or on their account ; or

(b) by way of premium in respect of any policy comprised in the Scheme of 1957, the Scheme of 1937 or the said pension arrangement for the benefit of John Marsh (other than premiums referred to in head (d) of the foregoing sub-paragraph),

being payments in respect of a period any part of which falls after that day, the Government Actuary shall ascertain the value of so much of those payments as is attributable to that part of that period.

(3) The Government Actuary shall certify to the Company and the Authority the values ascertained by him under the foregoing sub-paragraphs, and there shall be paid to the Authority by the Company a sum equal to the aggregate of the values ascertained under heads (a) to (d) of sub-paragraph (1) of this paragraph after deduction therefrom of a sum equal to any value ascertained under sub-paragraph (2) of this paragraph, or, if the last-mentioned sum exceeds the first-mentioned sum, the amount of that excess shall be paid by the Authority to the Company.

2.—(1) If an actuary is appointed by the Company for the purposes of this Part of this Schedule before the Government Actuary has given his certificate under the foregoing paragraph, the Government Actuary shall, before giving any such certificate, consult with the actuary so appointed.

(2) Any sum falling to be paid by virtue of sub-paragraph (3) of the foregoing paragraph may be recovered as a simple contract debt in any court of competent jurisdiction.

3. Notwithstanding the provisions of subsection (1) of section fourteen of this Act, any payments described in head (a) or (b) of sub-paragraph (1) of paragraph 1 of this Part of this Schedule, and any costs, charges and expenses described in head (c) of the said sub-paragraph (1), being payments or, as the case may be, costs, charges and expenses the value of which, or in the case of a payment described in the said head (b), a part of which, is certified

by the Government Actuary in accordance with the said paragraph 1, shall be made or discharged by the Authority and the Company shall be freed from any liability in respect thereof. 2ND SCH.

### THIRD SCHEDULE

Section 29.

CIRCUMSTANCES THAT MAY BE SPECIFIED IN A SCHEME UNDER SECTION 29 AS BEING THOSE IN WHICH A SALE IS TO BE ASSUMED TO HAVE BEEN MADE

1. That the price is the sole consideration for the sale.
2. That any commission or other costs, charges or expenses incidental to the making of the contract of sale are to be paid by the seller.
3. That, if the produce is imported, any duties of customs chargeable on the importation have been paid.
4. That the price includes the cost of delivery to the buyer at his place of business and of insurance and other costs, charges and expenses incidental to such delivery.
5. That neither the seller nor any person associated in business with him has any interest, direct or indirect, in the subsequent re-sale or disposal of the produce.
6. That there has not been and will not be any commercial relationship between the seller and the buyer, whether created by contract or otherwise, other than that created by the sale.

### FOURTH SCHEDULE

Section 33.

#### CONSTITUTION OF THE COVENT GARDEN MARKET MANAGEMENT COMMITTEE

1. The Covent Garden Market Management Committee (hereafter in this Schedule referred to as "the Management Committee") shall consist of a chairman (who shall be the person who is for the time being the managing director of the Authority), such number of persons appointed by the Authority, being officers thereof, as may be determined from time to time by the Authority, and fourteen other persons so appointed.

2.—(1) Of the members of the Committee other than the chairman and those who are officers of the Authority—

- (a) seven shall be persons appearing to the Authority to be capable of representing the interests of persons carrying on in the Covent Garden Area the business of selling, whether as principals or as agents, horticultural produce by wholesale ;
- (b) seven shall be persons appearing to the Authority to be capable of representing the interests of persons who, in the course of business carried on in the United Kingdom, sell horticultural produce to, or through the agency of, such persons as are mentioned in head (a) of this subparagraph and persons who, in the course of business so carried on, buy horticultural produce from, or through the agency of, such persons as are so mentioned.

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## 4TH SCH.

(2) Of the seven persons mentioned in head (a) of the foregoing sub-paragraph one shall be a person appearing to the Authority to be capable of representing the interests of those who grow what they sell and two shall be persons who appear to the Authority to have an adequate knowledge of the business of growing flowers for sale and of the business of selling flowers grown for sale.

(3) Of the seven persons mentioned in head (b) of sub-paragraph (1) of this paragraph two shall be persons carrying on in the United Kingdom business which consists of, or includes, the sale of horticultural produce otherwise than by wholesale.

(4) The appointment under this Schedule of a person as capable of representing the interests of any persons shall not be made except after consultation with such bodies as appear to the Authority to represent the interests of those persons.

## Section 36.

## FIFTH SCHEDULE

INCIDENTAL PROVISIONS WITH RESPECT TO THE COMMITTEES  
CONSTITUTED BY SECTIONS 33 TO 35

1.—(1) An appointed member of the Committee shall hold and vacate office in accordance with the terms of his appointment; but notwithstanding anything in those terms he may at any time resign his office by notice in writing.

(2) Such a member shall be eligible for reappointment.

2. The Committee may act notwithstanding a vacancy among the members thereof, and no act of the Committee shall be deemed to be invalid by reason of a defect in the appointment of any of the members.

3. In the case of an equality of votes at a meeting of the Committee, the chairman of the meeting shall have a second or casting vote.

4. Subject to the last foregoing paragraph the Committee may determine their own quorum and procedure.

5. The Authority shall provide the Committee with the services of such of the officers and servants of the Authority and with such office accommodation as the Committee may reasonably require.

6. The Authority shall defray any expenses reasonably incurred by the Committee.

7. The Authority may pay to the appointed members of the Committee such travelling and subsistence allowances as the Authority may determine.

8. A dispute arising under paragraph 5 of this Schedule as to the reasonableness of any requirement or under paragraph 6 of this Schedule whether expenses were reasonably incurred shall be determined by the Minister.





Table of Statutes referred to in this Act

| Short Title                                                       | Session and Chapter        |
|-------------------------------------------------------------------|----------------------------|
| “An Act for regulating Covent Garden Market” (1813) ... ..        | 53 Geo. 3. c. lxxi.        |
| “The Improvement Act” (1828)... ..                                | 9 Geo. 4. c. cxiii.        |
| Local Loans Act, 1875 ... ..                                      | 38 & 39 Vict. c. 83.       |
| Interpretation Act, 1889 ... ..                                   | 52 & 53 Vict. c. 63.       |
| Public Trustee Act, 1906 ... ..                                   | 6 Edw. 7. c. 55.           |
| Acquisition of Land (Assessment of Compensation) Act, 1919 ... .. | 9 & 10 Geo. 5. c. 57.      |
| Trustee Act, 1925 ... ..                                          | 15 & 16 Geo. 5. c. 19.     |
| Land Charges Act, 1925 ... ..                                     | 15 & 16 Geo. 5. c. 22.     |
| Local Government Act, 1933 ... ..                                 | 23 & 24 Geo. 5. c. 51.     |
| National Loans Act, 1939 ... ..                                   | 2 & 3 Geo. 6. c. 117.      |
| Borrowing (Control and Guarantees) Act, 1946... ..                | 9 & 10 Geo. 6. c. 58.      |
| Town and Country Planning Act, 1947 ... ..                        | 10 & 11 Geo. 6. c. 51.     |
| Companies Act, 1948 ... ..                                        | 11 & 12 Geo. 6. c. 38.     |
| Lands Tribunal Act, 1949 ... ..                                   | 12, 13 & 14 Geo. 6. c. 42. |
| Arbitration Act, 1950 ... ..                                      | 14 Geo. 6. c. 27.          |
| House of Commons Disqualification Act, 1957 ... ..                | 5 & 6 Eliz. 2. c. 20.      |

## CHAPTER 50

### ARRANGEMENT OF SECTIONS

#### *Control of pre-1951 discharges*

##### Section

1. River board's consent for pre-1951 discharges.
2. Protection while applications are being dealt with.
3. Furnishing of information.

#### *Exemption for discharges which comply with conditions*

4. Protection for persons complying with conditions.

#### *General provisions as to conditions and consents governing discharges and new outlets*

5. Review and variation of conditions governing discharges and new outlets.
6. Appeals to Minister.
7. Other provisions relating to discharges and new outlets.

#### *Miscellaneous and supplemental*

8. Proceedings under section 2 of principal Act.
9. Estuaries and tidal waters.
10. Samples of effluent.
11. Restriction on proceedings.
12. Restriction of disclosure of information.
13. Interpretation and construction.
14. Financial provisions.
15. Short title, citation, extent, repeals and commencement.

##### SCHEDULES:

First Schedule—Statement to be included in consents and notices.

Second Schedule—Repeals.

An Act to make further provision for maintaining or restoring the wholesomeness of the rivers and other inland or coastal waters of England and Wales.

[27th July, 1961]

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

*Control of pre-1951 discharges*

River board's consent for pre-1951 discharges.

1.—(1) Subject to this Act, it shall be unlawful on and after the date appointed under this section to make a discharge of trade or sewage effluent to a stream, being a discharge which is not controlled under section seven of the principal Act, without the consent under this Act of the river board, which consent shall not be unreasonably withheld.

(2) Subsection (1) of this section shall not apply to the discharge of water raised or drained from any underground part of a mine into a stream in the same condition in which it is raised or drained from underground:

Provided that the Minister may by order (which shall be made by statutory instrument and may be varied or revoked by a subsequent order so made by him) direct that this subsection shall not apply to discharges into any specified stream or part of a stream.

(3) An application to the river board for their consent under this Act shall state—

- (a) the nature and composition of the effluent in respect of which the application is made,
- (b) the maximum temperature of the effluent at the time when it is to be discharged,
- (c) the maximum quantity of the effluent which it is proposed to discharge on any one day, and
- (d) the highest rate at which it is proposed to discharge the effluent.

(4) On an application for consent under subsection (1) of this section the river board may grant their consent subject to such conditions as they may reasonably impose, being conditions—

- (a) as to the nature and composition, temperature, volume or rate of discharge of effluent from the land or premises to which the application relates, and
- (b) as to the provision of facilities for taking samples of what is passing from the land or premises to the stream, and in particular as to the provision and maintenance of inspection chambers or manholes,

and any such conditions may be framed so as to have effect for a specified period, or for a period beginning or ending with a specified date.

(5) Subject to this Act, where on or after the date appointed under this section a discharge of trade or sewage effluent, being a discharge which is not controlled under section seven of the principal Act, nor exempted under subsection (2) of this section, is made to a stream without the consent under this Act of the river board, the river board may give to the person making the discharge a notice imposing any such conditions as they might have imposed on an application for their consent for making the discharge.

(6) No conditions imposed under this section shall take effect until the expiration of a period of three months beginning with the giving of the consent, or, as the case may be, the giving of the notice under subsection (5) of this section, and if before the expiration of the said period of three months a reference is made under this Act to the Minister in respect of the unreasonableness of any terms of the consent or notice, no conditions imposed under this section shall take effect until the reference to the Minister is withdrawn or determined.

(7) A person who contravenes subsection (1) of this section shall be liable—

(a) on conviction on indictment, to a fine, or

(b) on summary conviction, to a fine not exceeding one hundred pounds.

(8) No person shall cause or knowingly permit to enter a stream from land or premises in relation to which conditions have been imposed under this Act and are for the time being in force a trade or sewage effluent not complying with those conditions, and any person who does so shall be guilty of an offence punishable under section two of the principal Act.

(9) Section three of the principal Act shall apply in relation to the last foregoing subsection as it applies in relation to subsection (1) of section two of that Act.

(10) For the purposes of this section a discharge which is not controlled under section seven of the principal Act means a discharge of effluent in relation to which a river board has no power to impose conditions of the kinds described in paragraph (b) of subsection (2) of that section, that is to say, conditions imposed as respects the making of a new discharge, as defined in that section, with or without consent.

(11) The date appointed under this section shall be such date as the Minister may by order contained in a statutory instrument appoint, being a date not less than fourteen months after the passing of this Act, but applications for consent under this section may be made before that date and where consent is granted before that date subject to conditions, those conditions may, subject to subsection (6) of this section, take effect before that date.

Protection while applications are being dealt with.

**2.—(1)** If an application to the river board for their consent under this Act is duly made before the date appointed under section one of this Act (and the application is not disposed of before that date) then, until the application is disposed of,—

- (a) it shall not be an offence under subsection (1) of section one of this Act to make a discharge from the land or premises to which the application relates which is of the nature and composition specified in the application, and which does not, as respects temperature, volume and rate of discharge, exceed the amounts or limits specified in the application, and
- (b) no notice shall be given under subsection (5) of section one of this Act imposing any conditions as respects the making of any such discharge.

**(2)** If an application to the river board for their consent under this Act is duly made before the date appointed under section one of this Act, then, until the application is disposed of, it shall not be an offence under, or a contravention of—

- (a) paragraph (a) of subsection (1) of section two of the principal Act, or
- (b) any order under section three of the principal Act, or
- (c) section eight of the Salmon and Freshwater Fisheries Act, 1923, or
- (d) any byelaw under the Sea Fisheries Regulation Acts, 1888 to 1894, or
- (e) paragraph 32 of the Third Schedule to the Gas Act, 1948, or section sixty-eight of the Public Health Act, 1875 (which relate to pollution from gasworks),

to make a discharge from the land or premises to which the application relates which is of the nature and composition specified in the application, and which does not, as respects temperature, volume and rate of discharge, exceed the amounts or limits specified in the application.

**(3)** If it appears to the river board that the applicant has since the making of the application failed to make proper use of, or to repair or maintain, any purification plant through which the effluent was being passed at the time of the application, then, notwithstanding that any discharge made by him has complied with the requirements of the last foregoing subsection, a magistrates' court may, on the application of the river board, and if the court thinks fit, order that the exemption conferred by that subsection shall be withdrawn from the applicant.

**(4)** For the purposes of this section an application shall not be regarded as disposed of—

- (a) until the river board give their consent to the application, or give notice to the applicant that they refuse to give their consent, and

(b) until a further period of three months beginning with the giving of the consent, or of a notice refusing the consent, has expired,

and if before the expiration of the said period of three months a reference is made under this Act to the Minister in respect of the withholding of consent, or of the unreasonableness of any terms of the consent, the application shall not be regarded as disposed of until the reference to the Minister is withdrawn or determined.

3.—(1) The Minister may for the purpose of assisting river boards to obtain the information required by them to deal with applications for their consent under this Act by regulations contained in a statutory instrument prescribe the particulars which may, in accordance with the provisions of the next following subsection, be required of any applicant with regard to the effluents which have been or are being or are to be discharged from the land or premises to which the application relates. Furnishing of information.

(2) Any particulars prescribed under the foregoing subsection may be included in directions given by a river board under subsection (8) of section nine of the River Boards Act, 1948, to an applicant for their consent under this Act, and the proviso to the said subsection (8) (under which a person to whom directions are given under that subsection may make representations to the Minister on the ground that the directions are unreasonable or unduly onerous) shall not apply to any directions so far as they relate to the giving of particulars prescribed under the foregoing subsection.

(3) If a person who has applied for the river board's consent under this Act is convicted for failure to comply with directions given under the said subsection (8) requiring him to give information as to the discharge of effluents from the land or premises to which the application relates (whether or not the information consists of particulars prescribed under this section) and, on an application to a magistrates' court (which may be an application on the occasion of the conviction), it is shown to the satisfaction of the court that in consequence of the default the river board has not the material on which to decide the application, the court may if it thinks fit order that the exemption conferred by subsection (2) of the last foregoing section shall be withdrawn from the applicant.

*Exemption for discharges which comply with conditions*

4.—(1) The discharge of trade or sewage effluent to a stream in accordance with consent granted under this Act or section seven of the principal Act shall not constitute an offence under, or a contravention of— Protection for persons complying with conditions.

(a) paragraph (a) of subsection (1) of section two of the principal Act, or

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- (b) any order under section three of the principal Act, or
- (c) section eight of the Salmon and Freshwater Fisheries Act, 1923, or
- (d) any byelaw under the Sea Fisheries Regulation Acts, 1888 to 1894, or
- (e) paragraph 32 of the Third Schedule to the Gas Act, 1948, or section sixty-eight of the Public Health Act, 1875,

and if conditions are imposed under this Act or section seven of the principal Act in relation to making a discharge, or a new discharge, for which the requisite consent has not been given, and are for the time being in force, the making of a discharge from the land or premises to which the conditions relate in compliance with the conditions shall not be an offence under, or a contravention of, any of those enactments.

(2) Paragraph (a) of subsection (1) of section five of the principal Act (under which byelaws may prescribe standards for the purpose of determining whether an effluent is polluting) shall cease to have effect.

*General provisions as to conditions and consents  
governing discharges and new outlets*

**Review and variation of conditions governing discharges and new outlets.**

**5.—(1)** A river board shall from time to time review any condition having effect under this Act or under section seven of the principal Act (other than a condition to be satisfied before a discharge is made or an outlet is brought into use), and may give the person making the discharge or using the outlet, as the case may be, a notice making any reasonable variation of, or revoking, any such condition ; and the Minister may, if he thinks fit so to do, direct the board to vary or revoke any such condition and, if the board fail within such period as the Minister may allow to give effect to any such direction, the Minister may himself give a notice as aforesaid.

(2) A statement in the form in the First Schedule to this Act shall be included among the terms of—

- (a) any consent having effect under this Act or under section seven of the principal Act, and
- (b) any notice given under subsection (5) of section one of this Act or under subsection (4) of section seven of the principal Act, and
- (c) any notice given under this section, other than a notice given with the consent in writing of the person to whom it is given,

being a consent taking effect, or a notice given, after the commencement of this Act, and the period specified in the statement shall be a reasonable period of not less than two years from the date on which the consent takes effect or the notice is given.

(3) No notice shall be given under subsection (1) of this section before the expiration of the period specified in the said statement except with the consent in writing of the person to whom the notice is given.

(4) Subsection (2) of this section shall not apply to a consent or notice which, in consequence of the temporary nature of the discharge to which it relates or for any other reason, will be spent within two years from the date on which the consent takes effect or the notice is given, and no notice shall be given under subsection (1) of this section varying the conditions of any such consent or notice except with the consent in writing of the person making the discharge.

(5) In this section references to varying a condition include references to substituting for any condition or conditions any one or more other conditions, and to imposing any new conditions; and references to reviewing a condition include references to reviewing any consent on which no condition has been imposed with a view to determining whether a condition should be imposed.

(6) Subsection (5) of section seven of the principal Act shall cease to have effect, but any notice given under that subsection shall have effect as if given under subsection (1) of this section.

**6.—(1) Any question arising under this Act or section seven of the principal Act—** **Appeals to  
Minister.**

(a) whether the consent of a river board has or has not been unreasonably withheld, or

(b) as to the unreasonableness of the terms of any consent or notice,

shall be determined for the purposes of this Act and the said section seven by the Minister in accordance with the provisions of this section.

(2) If at any time the river board give notice to an applicant for consent under this Act or section seven of the principal Act that they have refused consent, any reference to the Minister to determine whether the river board's consent has been unreasonably withheld must be made within three months from the giving of the notice.

(3) Any reference to the Minister in respect of the unreasonableness of the terms of any consent or notice must be made within three months from the giving of the consent or notice.

(4) If, on a reference to the Minister for him to determine a question under subsection (1) of this section, he determines that the withholding of consent, or as the case may be that anything in the terms of the consent or notice, was unreasonable, then—

- (a) where the reference was in respect of the withholding of consent, he may direct that the consent shall be treated as given either unconditionally or subject to such conditions as appear to him to be reasonable ;
- (b) where the reference was in respect of the unreasonableness of the terms of a consent, he may direct that there shall be substituted for the terms of the consent such other terms as appear to him to be reasonable ;
- (c) where the reference was in respect of the unreasonableness of the terms of a notice, he may direct either that the notice shall be treated as annulled or that there shall be substituted for the terms of the notice such other terms as appear to him to be reasonable,

but, without prejudice to the provisions of section one of this Act relating to the time when any conditions take effect, and without prejudice to section two of this Act, this Act and the said section seven shall apply as respects the period before the giving of the direction as if the withholding of consent or, as the case may be, the terms of the consent or notice had not been unreasonable.

(5) At any stage of the proceedings on a reference to the Minister under this section the Minister may, and if so directed by the High Court shall, state in the form of a special case for the decision of the High Court any question of law arising in those proceedings ; and the decision of the High Court on the special case shall be deemed to be a judgment of the Court within the meaning of section twenty-seven of the Supreme Court of Judicature (Consolidation) Act, 1925 (which relates to the jurisdiction of the Court of Appeal to hear and determine appeals on any judgment of the High Court), but no appeal to the Court of Appeal shall be brought by virtue of this subsection except with the leave of the High Court or the Court of Appeal.

(6) Subsections (10) and (11) of the said section seven shall cease to have effect, but any proceedings pending under those subsections at the commencement of this Act may be continued under this section.

7.—(1) In subsection (13) and in subsection (16) of section seven of the principal Act (under which offences under those subsections are punishable on summary conviction by a fine not exceeding fifty pounds) for the words “ fifty pounds ” there shall, as respects any offence committed after the commencement of this Act, be substituted the words “ one hundred pounds ”.

(2) Every river board shall include in the register maintained by them under subsection (7) of section seven of the principal Act such particulars as the Minister may direct of any conditions which have been imposed under this Act in relation to land or premises in their area, and of the other terms included in pursuance of this Act in any consent or notice ; and paragraph (b)

Other provisions relating to discharges and new outlets.



of the said subsection (7) shall apply in relation to a person charged with an offence under this Act as it applies in relation to a person charged with an offence under that section.

(3) Any condition imposed under this Act or section seven of the principal Act shall continue in force (subject to any variation under this Act or the said section seven) until revoked under this Act, and shall be binding on any person discharging effluent from the land or premises or, as the case may be, using the outlet to which the condition relates.

(4) If the occupier of land or premises from which effluent passes or may pass to a stream by two or more ways meeting at the outlet, or a point short of the outlet, gives his consent for the purposes of this subsection, the power to impose conditions under this Act or section seven of the principal Act as to effluent discharged from the land or premises shall thereafter (and notwithstanding any change of occupation) include power to impose conditions as to the nature and composition, temperature, volume or rate of discharge of effluent passing in each or any of those ways separately.

A consent given for the purposes of this subsection shall be recorded in the register under subsection (7) of section seven of the principal Act but may be withdrawn by agreement with the river board or the Minister.

(5) Any conditions imposed under the said section seven may be framed so as to have effect for a specified period or for a period beginning or ending with a specified date.

#### *Miscellaneous and supplemental*

8.—(1) In paragraph (b) of subsection (7) of section two of the principal Act (under which an offence under that section is punishable by a fine not exceeding fifty pounds) for the words “fifty pounds” there shall, as respects any offence committed after the commencement of this Act, be substituted the words “one hundred pounds”. Proceedings under section 2 of principal Act.

(2) Subsection (2) of section eight of the principal Act (under which the Minister’s consent is needed for a prosecution under subsection (1) of section two of the principal Act, and for an application for an order under section three of that Act) shall cease to have effect.

(3) On the date appointed under section one of this Act, subsection (3) of section two of the principal Act (under which it is a defence to a prosecution under subsection (1) of that section to show that it was not reasonably practicable to dispose of the effluent in any other way) shall cease to have effect and, until that date, the proviso to that subsection (which suspends its operation for a certain period) shall not have effect.

**Estuaries and tidal waters.**

**9.—(1)** Sections one to three of this Act shall apply to any tidal waters or parts of the sea to which any of the provisions of sections two to five of the principal Act for the time being apply (with or without modifications)—

(a) by virtue of an order made under section six of that Act, or

(b) by virtue of an order having effect as if made under that section by virtue of paragraph 9 of the Second Schedule to that Act (which relates to similar orders made under previous Acts)

as they apply to a stream, but as if, in relation to any tidal waters or parts of the sea to which the provisions of the said sections two to five, or any of them, are first applied at a time after the commencement of this Act, for references to the date appointed under section one of this Act there were substituted references to a date twelve months after that time or such earlier or later date as may be specified in the order applying the said provisions.

(2) In subsection (1) of section one of the Clean Rivers (Estuaries and Tidal Waters) Act, 1960 (which applies subsections (1) to (15) of section seven of the principal Act to controlled waters as defined in that Act), the reference to those subsections of the said section seven shall include a reference to this Act, other than sections one to three; and the said Act of 1960 shall apply to any such tidal waters or parts of the sea as are not controlled waters but are waters to which, at the commencement of this Act, any of the provisions of sections two to five of the principal Act apply by virtue of an order made, or having effect as if made, under section six of that Act as it applies to controlled waters.

(3) For the purposes of the application of this Act and section seven of the principal Act to any tidal waters or parts of the sea (including all controlled waters) the river board shall be the one whose area includes the land or premises from which the discharge in question is or is to be made, or, as the case may be, from which the effluent is or is to be discharged by means of the new or altered outlet in question.

(4) In performing any functions under this Act or the said section seven in relation to tidal waters or parts of the sea (including all controlled waters), a river board shall have special regard—

(a) to the interests of sea fisheries, and

(b) to the factors arising from the tidal nature of the waters and, in particular, to additional dilution due to dispersal of the effluent by tidal action, and the varying direction of flow and salinity and any other special properties of those waters.

(5) Any tidal waters or parts of the sea adjoining the coast of a river board area shall be deemed to be included in the expression “river, stream or inland water” for the purposes

of the river board's power under subsection (8) of section nine of the River Boards Act, 1948, to obtain information as to the discharge of effluents; and in subsection (5) of section one of the said Act of 1960 (under which controlled waters adjoining a river board area are to be treated as if they were included in that area for the purpose of the river board's power under section fifteen of the said Act of 1948 to take samples of effluents) the reference to the said section fifteen shall include a reference to subsection (8) of the said section nine.

(6) The Minister may by order direct that the said Act of 1960 shall apply to any tidal waters or parts of the sea specified in the order (not being controlled waters) as it applies to controlled waters:

Provided that, in the application of that Act by virtue of an order under this subsection, for the reference in subsection (4) of section one of that Act to its coming into force there shall be substituted a reference to the coming into force of the order.

(7) Subsections (2) to (6) of section six of the principal Act shall apply to any order under the last foregoing subsection.

(8) Subsection (17) of section seven of the principal Act shall cease to have effect; and for the reference to the last two subsections of the said section seven in sub-paragraph (2) of paragraph 5 of the Second Schedule to that Act (which applies sections two to eight of that Act, other than those subsections, to the Thames, Lee and London areas) there shall be substituted a reference to subsection (16) of the said section seven.

**10.—**(1) In any legal proceedings it shall be presumed, until the contrary is shown, that any sample of effluent taken at an inspection chamber or manhole or other place provided in compliance with a condition imposed under this Act or section seven of the principal Act in relation to any waters is a sample of what was passing from the land or premises to those waters. Samples of effluent.

(2) A river board may agree with the occupier of any land or premises from which effluent is discharged on the point or points at which, in exercise of the river board's rights under section fifteen of the River Boards Act, 1948, or under any other enactment, samples are to be taken of the effluent passing into any waters, and in any legal proceedings it shall be presumed, until the contrary is shown, that any sample of effluent taken at a point fixed under this section is a sample of what was passing from the land or premises to those waters.

(3) An agreement under the last foregoing subsection shall have effect in relation to the land or premises notwithstanding any change of occupation, but the river board or the occupier for the time being may at any time declare that it shall cease to have effect.

(4) In default of agreement under the foregoing provisions of this section, the river board may apply to the Minister and the

Minister may, after considering any representations made to him by the occupier of the land or premises and any other person who appears to the Minister to be interested, fix the point at which samples are to be taken ; and the Minister may from time to time on the application of the river board or the occupier of the land or premises review and vary any decision taken by him under this subsection.

(5) Every river board shall maintain a register containing such particulars as the Minister may direct of sampling points fixed under the foregoing provisions of this section, and the register shall be open to inspection at all reasonable hours by any person appearing to the river board to be interested.

(6) In subsection (2) of the said section fifteen (which provides that the result of an analysis of a sample taken under that section shall not be admissible as evidence unless certain requirements have been complied with) references to an analysis shall include references to any test of whatever kind and "analysed" and "analyst" shall be construed accordingly.

**Restriction on proceedings.**

**11.—**(1) Subject to the principal Act, proceedings for any offence against that Act or the foregoing provisions of this Act—

- (a) shall not be instituted except with the consent of the Attorney General or by a river board, and
- (b) shall not be taken until the expiration of one month after notice has been given to the offender that the taking of such proceedings is being considered.

(2) Subsections (1) and (4) of section eight of the principal Act (which are superseded by the foregoing provisions of this section) shall cease to have effect and for the reference to the said subsection (1) in paragraph 10 of the Second Schedule to the principal Act (which saves the right of certain water undertakers to prosecute) there shall be substituted a reference to subsection (1) of this section.

**Restriction of disclosure of information.**

**12.—**(1) If any person discloses any information—

- (a) which has been furnished to or obtained by him in connection with an application for consent, or the imposition of conditions, under this Act or the principal Act (including the variation of conditions, and references and applications to the Minister); or
- (b) which is derived from a sample of effluent taken for the purposes of this Act or the principal Act,

he shall be guilty of an offence, unless the disclosure is made—

- (i) with the consent of the person by whom the information was furnished or from whom it was obtained or, in the case of information derived from a sample of effluent, of the person making the discharge in question ; or
- (ii) in connection with the execution of this Act or the principal Act ; or

(iii) for the purposes of any proceedings arising out of this Act or the principal Act (including references and applications to the Minister) or of any criminal proceedings whether so arising or not, or for the purpose of any report of any such proceedings.

(2) A person guilty of an offence under the foregoing subsection 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.

(3) Nothing in this section shall prevent the disclosure of information derived from a sample of the waters into which an effluent is discharged.

**13.—**(1) In this Act “the principal Act” means the Rivers (Prevention of Pollution) Act, 1951. Interpretation and construction.

(2) This Act shall be construed as one with the principal Act, and in sub-paragraph (2) of paragraph 5 of the Second Schedule to the principal Act the reference to sections two to eight of that Act shall include a reference to the provisions of this Act.

(3) Nothing in this Act or section seven of the principal Act shall be taken as applying to the discharge of effluent from a ship or vessel.

(4) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

**14.—**(1) There shall be paid out of money provided by Parliament any increase in the sums so payable under any Act other than this Act which is attributable to the provisions of this Act. Financial provisions.

(2) There shall be paid into the Exchequer any sums falling to be so paid in consequence of any of the provisions of this Act.

**15.—**(1) This Act may be cited as the Rivers (Prevention of Pollution) Act, 1961. Short title, citation, extent, repeals and commencement.

(2) This Act and the Rivers (Prevention of Pollution) Acts, 1951 and 1960, may be cited together as the Rivers (Prevention of Pollution) Acts, 1951 to 1961.

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

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

(5) Save as otherwise expressly provided, this Act shall come into force at the expiration of two months beginning with the date on which it is passed.

## SCHEDULES

## FIRST SCHEDULE

## STATEMENT TO BE INCLUDED IN CONSENTS AND NOTICES

The terms of this [consent] [notice] will not, without the consent in writing of the person to whom this [consent] [notice] is given (or his successor), be altered before the expiration of the period ending with the day of 19 .

Section 5.

## SECOND SCHEDULE

## REPEALS

Section 15.

| Session and Chapter       | Short Title                                              | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|---------------------------|----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14 & 15 Geo. 6.<br>c. 64. | The Rivers (Prevention of Pollution) Act, 1951.          | In section two, subsection (3) as from the date appointed under section one of this Act.<br>In section five,—<br>in subsection (1), paragraph (a) and the words from “and before” to the end of the subsection;<br>subsections (2) to (5).<br>In section seven,—<br>subsections (5) and (6);<br>subsections (10) and (11);<br>subsection (17).<br>Section eight.<br>In section eleven, in subsection (3), the words from the beginning to “five of this Act”.<br>In the Second Schedule, in paragraph 9, the words “and section seven (except the two last subsections)” and in sub-paragraph (b) of paragraph 10, the words “and subsections (2) and (5) of section eight”. |
| 8 & 9 Eliz. 2.<br>c. 54.  | The Clean Rivers (Estuaries and Tidal Waters) Act, 1960. | In section one, subsections (2) and (3) and paragraphs (b) and (d) of subsection (6).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

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*Table of Statutes referred to in this Act*

| Short Title                                                  | Session and Chapter    |
|--------------------------------------------------------------|------------------------|
| Public Health Act, 1875 ... ..                               | 38 & 39 Vict. c. 55.   |
| Salmon and Freshwater Fisheries Act, 1923 ...                | 13 & 14 Geo. 5. c. 16. |
| Supreme Court of Judicature (Consolidation) Act, 1925 ... .. | 15 & 16 Geo. 5. c. 49. |
| River Boards Act, 1948 ... ..                                | 11 & 12 Geo. 6. c. 32. |
| Gas Act, 1948 ... ..                                         | 11 & 12 Geo. 6. c. 67. |
| Rivers (Prevention of Pollution) Act, 1951... ..             | 14 & 15 Geo. 6. c. 64. |
| Clean Rivers (Estuaries and Tidal Waters) Act, 1960          | 8 & 9 Eliz. 2. c. 54.  |

## CHAPTER 51

An Act to amend the law relating to the Police Federation. [27th July, 1961].

**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 members of the metropolitan police force below the rank of superintendent who are not members of the Police Federation shall be members of the Federation and of the branch of the Federation formed from members of that force; and accordingly section three of the Metropolitan Police Act, 1933 (which excludes certain inspectors in that force from membership of the Federation and of that branch) is hereby repealed and, subject to the next following section, the Schedule to the Police Act, 1919 (which contains the constitution of the Federation), shall have effect as if the said section three had not been passed.

Chief inspectors etc. of metropolitan police to be members of Federation. 23 & 24 Geo. 5. c. 33. 9 & 10 Geo. 5. c. 46.

2.—(1) The branch boards, central conferences and central committees of the Federation shall include members representative of the interests of policewomen, who shall hold office in accordance with the provisions of Part I of the Schedule to this Act; and the Schedule to the Police Act, 1919, shall have effect subject to the provisions of Part II of the Schedule to this Act (which are consequential on the provisions of the said Part I).

Separate representation for policewomen on boards, etc. of Federation.

(2) Section thirteen of the Police Act, 1919 (which provides for the modification of the Schedule to that Act in its application to Scotland) shall apply to the Schedule to this Act as it applies to the Schedule to that Act.

3.—(1) This Act may be cited as the Police Federation Act, 1961.

Short title, commencement and extent.

(2) This Act shall come into operation on such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be appointed for England and Scotland.

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

## Section 2.

## SCHEDULE

## AMENDMENT OF CONSTITUTION OF POLICE FEDERATION

## PART I

## REPRESENTATION OF POLICEWOMEN ON BRANCH BOARDS, ETC.

*Preliminary*

1.—(1) In this Part of this Schedule—

- (a) any reference to a constable (except in paragraphs (b) and (c) below) is a reference to a policewoman of that rank;
- (b) any reference to the board is a reference to the constables' board established by the Police Act, 1919, for the branch in question of the Federation;
- (c) any reference to the conference or the committee is a reference to the central conference or the central committee established by that Act for constables;
- (d) any reference to a member of the board, conference or committee (except in paragraph 5 below) is a reference to a person holding office as such a member in pursuance of this Part of this Schedule;
- (e) “prescribed” means prescribed by regulations, and “regulations” means regulations made by the Secretary of State after consultation with the three central committees established by that Act sitting together as a joint committee.

(2) This Part of this Schedule shall apply to sergeants and inspectors respectively as if for any reference to a constable there were substituted a reference to a sergeant or, as the case may be, an inspector.

*Additional members of Branch Boards, Central Conferences and Central Committees*

2. If the number of constables in a branch of the Federation is one or two, the one or as the case may be the senior of the two shall be a member of the board; and if the number of constables in the branch is three or more, they shall elect one of their number to be a member of the board.

3.—(1) The constables of the metropolitan police force shall elect from among their number four persons, or such greater number of persons as may be prescribed, to be members of the conference.

(2) The members of the boards for other forces shall, for the purpose of electing members of the conference, be grouped together in the prescribed manner, and the members of each group shall elect from among their number the prescribed number of persons to be members of the conference.

4. The members of the conference shall elect one of their number to be a member of the committee.

5. The members of the board, conference or committee holding office in pursuance of this Part of this Schedule shall be additional to the number of members of that body holding office in pursuance of the Schedule to the Police Act, 1919.



### *Elections*

6.—(1) Paragraphs 15 and 16 of the Schedule to the Police Act, 1919, and, subject to the following sub-paragraph, paragraph 17 of that Schedule (which regulate elections under that Schedule and provide for the filling of casual vacancies) shall apply for the purposes of this Schedule as they apply for the purposes of that Schedule.

(2) Provision may be made by regulations as to the holding of elections in pursuance of paragraph 3 above and the filling of casual vacancies occurring among persons elected at those elections; and nothing in the said paragraph 17 shall apply to those matters.

(3) For the avoidance of doubt it is hereby declared that, except as provided in pursuance of sub-paragraph (2) above, an election of members of a body in pursuance of this Part of this Schedule is to take place on the same occasion as the corresponding election held in pursuance of the Schedule to the Police Act, 1919.

## PART II

### CONSEQUENTIAL MODIFICATIONS OF SCHEDULE TO THE POLICE ACT, 1919, ETC.

7.—(1) Policewomen shall be disregarded for the purposes of paragraphs 3, 4, 6, 10 and 12 of the Schedule to the Police Act, 1919, so however that a policewoman who is qualified, otherwise than by virtue of Part I of this Schedule, to be elected as a member of a board, conference or committee or to be a member of a conference or an elector of a member of a conference or committee shall not be disqualified therefor by this sub-paragraph.

(2) A policewoman who, apart from this sub-paragraph, would by virtue of the provisions of paragraph 2 of this Schedule or of the foregoing sub-paragraph take or vacate office as a member of a board on the date of the coming into force of those provisions, shall not do so by virtue only of those provisions until immediately before the first meeting of that board which is held after the first election taking place after that date for membership of any board of the branch in question of the Federation.

8. Paragraph 11 of the Schedule to the Police Act, 1919 (which requires that persons who represent a force as members of a conference shall be members of that force) shall not apply to policewomen elected in pursuance of sub-paragraph (2) of paragraph 3 of this Schedule; and paragraph 23 of that Schedule (which provides for leave and expenses in respect of attendance at meetings of boards and other bodies) shall apply to meetings of electors in pursuance of that sub-paragraph as it applies to meetings of a board.

9. The provisos to paragraphs 17 and 21 of the Schedule to the Police Act, 1919 (which contain spent transitional provisions relating to elections and meetings) are hereby repealed.

**CHAPTER 52****ARRANGEMENT OF SECTIONS***Continuance of Army Act, 1955, and Air Force Act, 1955*

## Section

1. Continuance of Army Act, 1955, and Air Force Act, 1955.

*Army Enlistment*

2. Terms of enlistment in regular forces.
3. Change of conditions of service after long-term enlistment in regular forces.
4. Conversion of short-term enlistment in regular forces into long-term enlistment.
5. Other changes of conditions of service of persons enlisted on short-term enlistments in regular forces.
6. Continuance in service in regular forces after long-term service.
7. Application of, amendments consequential on, and interpretation of, sections 2 to 6.

*Air Force Enlistment*

8. Terms of enlistment in regular air force.
9. Change of conditions of service after long-term enlistment in regular air force.
10. Conversion of short-term enlistment in regular air force into long-term enlistment.
11. Other changes of conditions of service of persons enlisted on short-term enlistments in regular air force.
12. Continuance in service in regular air force after expiration of term.
13. Provisions as to forfeiture of service in certain cases.
14. Repeal of sections 4 to 8 of Air Force Act, 1955, and consequential provisions.
15. Transitional provisions relating to sections 8 to 14.

*Amendment of Provisions as to Enlistment, Service and Discharge of Men of the Royal Marines*

16. Amendment of provisions as to enlistment, service and discharge of men of the Royal Marines.

*Amendment as to Discharge by Purchase applicable alike to Army Act, 1955, and Air Force Act, 1955*

17. Amendment of section 14 of Army Act, 1955, and Air Force Act, 1955.

*Amendments as to Discipline, &c., applicable alike to Army Act, 1955, and Air Force Act, 1955*

18. Change of circumstances for award of field punishment and forfeiture of pay.
19. Forfeiture of sums from pay by way of punishment.
20. Furnishing the enemy with things likely to assist him.
21. Penalisation of receiving proceeds of stolen, &c., property.
22. Power of commanding officer as to reduction in acting rank.
23. Repeal of prohibition of dismissal of certain charges referred to higher authority.
24. Extension of admissibility of statutory declaration in evidence.
25. Power of authority reviewing summary findings and awards.
26. Amendments as to persons qualified to hold inquiries.

*Other Amendments applicable alike to Army Act, 1955, and Air Force Act, 1955*

27. Deduction from pay of civil penalties.
28. Extension of power to order compensation for loss occasioned by wrongful act or negligence.

## Section

29. Extension of power of enforcement of maintenance order by deduction from pay.
30. Persons whose duty it is to sign certificates of arrest or surrender of deserters and absentees.

*Extension of penal Provisions of Army Act, 1955,  
to Acts and Omissions relating to Aircraft and  
aircraft Material*

31. Extension of section 24 of Army Act, 1955, to offences relating to aircraft.
32. Extension of section 26 of Army Act, 1955, to offences relating to aircraft.
33. Extension of section 44 of Army Act, 1955, to aircraft and aircraft material.
34. Extension of section 46 of Army Act, 1955, to aircraft and aircraft material.

*Colonial, &c., Forces*

35. Application of Army Act, 1955, and Air Force Act, 1955, to members of force of colony serving outside it.
36. Provision for employment of British protected persons in colonial, &c., military and air forces.

*Miscellaneous Provisions*

37. Amendments consequential on creation of ranks of lance-corporal and lance-bombardier.
38. Minor and consequential amendments of enactments and transitional provisions as to punishments.

*Short title, Construction and Commencement*

39. Short title, construction and commencement.

## SCHEDULES:

First Schedule—Amendments of Part I of Seventh Schedule to Army Act, 1955.

Second Schedule—Minor and consequential amendments of enactments.

Third Schedule—Transitional provisions as to punishments.

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An Act to continue, and amend, the Army Act, 1955, and the Air Force Act, 1955; to amend the Courts-Martial (Appeals) Act, 1951; to validate the employment of British protected persons in certain military and air forces; and for purposes connected with the matters aforesaid. [27th July, 1961]

**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:—

*Continuance of Army Act, 1955, and Air Force Act, 1955*

Continuance  
of Army  
Act, 1955,  
and Air Force  
Act, 1955.

1.—(1) The Army Act, 1955, and the Air Force Act, 1955, shall, instead of expiring at the end of the year nineteen hundred and sixty-one, continue in force until the end of the year nineteen hundred and sixty-two, and shall then, unless continued in force in accordance with the following provisions of this section, expire.

(2) Subject to the provisions of the next following subsection, Her Majesty may from time to time by Order in Council provide that the Army Act, 1955, or, as the case may be, the Air Force Act, 1955, shall continue in force for a period of twelve months beyond the day on which it would otherwise expire.

(3) No Order in Council shall be made under the last foregoing subsection so as to continue either of the said Acts beyond the end of the year nineteen hundred and sixty-six.

(4) No recommendation shall be made to Her Majesty in Council to make an Order under subsection (2) of this section unless a draft thereof has been laid before Parliament and approved by resolution of each House of Parliament.

(5) Subsections (2) to (5) of section two hundred and twenty-six of the Army Act, 1955, and the corresponding provisions of the Air Force Act, 1955, shall cease to have effect at the end of the year nineteen hundred and sixty-one.

*Army Enlistment*

Terms of  
enlistment in  
regular forces.

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

(2) Where the person enlisting has attained the age of eighteen years the said term shall be—

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

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

- (a) a term ending with the expiration of the period of twenty-two years beginning with the date on which he attains the age of eighteen years, being a term of army service ; or

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

(c) a term, ending with the expiration of such period as is mentioned in the last foregoing paragraph, being as to such part thereof as may be prescribed a term of army service and as to the remainder a term of service in the reserve.

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

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

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

(5) References (however expressed) in the four next following sections to a person's enlisting or having enlisted on a long-term enlistment shall be construed as referring to his enlisting or, as the case may be, having enlisted for such a term as is mentioned in paragraph (a) of subsection (2) of this section or paragraph (a) of subsection (3) thereof ; and in the said sections the expression " relevant date " means,—

(a) in the case of a person who enlisted after having attained the age of eighteen years, the date of his attestation, and

(b) in the case of a person who enlisted before having attained that age, the date of his attaining that age.

3.—(1) In the case of persons who enlisted on a long-term enlistment, the Army Council shall have power by regulations under Part I of the Army Act, 1955, to confer—

(a) any right to be transferred to the reserve at a time or times before the end of the period of twelve years beginning with the relevant date, and

(b) any right to determine army service at a time or times before the end of the said period,

being rights exercisable in such circumstances and subject to such conditions as may be prescribed, and the power of varying regulations made in pursuance of this subsection shall be subject to the restrictions specified in subsection (6) of this section.

(2) Every person who enlists on a long-term enlistment may, on making application in the prescribed manner, and with the

consent of the competent military authority, be transferred to the reserve at any time before he has completed twelve years' service beginning with the relevant date.

(3) Every person who enlists on a long-term enlistment shall, subject to the provisions of this section, have the right to determine his service at the end of the period of twelve years beginning with the relevant date, or of any succeeding period of three years, by a notice given in such form and at such time, and revocable in such circumstances, as may be prescribed.

(4) Where a person is transferred to the reserve under regulations made in pursuance of subsection (1) of this section, or under subsection (2) of this section, he shall serve in the reserve for such period as may be prescribed, so, however, that that period shall not extend beyond twelve years from the relevant date, and regulations under Part I of the Army Act, 1955, may provide for the conditions under which a person so transferred to the reserve may re-enter upon army service and prescribe the conditions subject to which a person so re-entering army service will serve.

(5) Without prejudice to the power under subsection (1) of this section of prescribing the circumstances in which and the conditions subject to which rights conferred under that subsection are exercisable, regulations made under the said Part I may also—

- (a) require that, in consideration of a person's being permitted to undergo any course of instruction or to transfer to a corps different from the one in which he was previously serving, or in consideration of the conferring on him of any other benefit or advantage, he shall give an undertaking not to determine his army service before the expiration of a specified period, and
- (b) provide that a person who has given such an undertaking shall not give notice to exercise a right conferred by regulations made in pursuance of subsection (1) of this section, or a right conferred by subsection (3) of this section, which would result in his transfer to the reserve or the determination of his service before the end of that period,

and any such regulations may provide for the giving of such undertakings by persons who enlisted before the regulations were made as well as by persons who enlisted after that time.

(6) Subject to the provisions of the last foregoing subsection, any regulations which vary or revoke regulations made in pursuance of subsection (1) of this section, or which vary any period prescribed under subsection (4) of this section as a period for which a person shall serve in the reserve, shall not affect persons who enlisted on a long-term enlistment before the time when the varying or revoking regulations are made.

4.—(1) A person in army service who enlisted otherwise than on a long-term enlistment after attaining the age of eighteen years or before attaining that age but after attaining the minimum age for man's service may, on giving to his commanding officer written notice in the prescribed form and with the consent of the competent military authority, be treated for the purposes of this Act as if, on the day of his enlistment, he had enlisted on a long-term enlistment.

Conversion of short-term enlistment in regular forces into long-term enlistment.

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

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

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

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

Other changes of conditions of service of persons enlisted on short-term enlistments in regular forces.

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

(2) A person in the reserve by virtue either of the terms of his enlistment or of subsection (1) of this section may, on

written application in that behalf made by him to the competent military authority and with the consent of that authority, at any time re-enter upon army service and, according as may be specified in the application, either—

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

Continuance  
in service in  
regular forces  
after long-term  
service.

6.—(1) A soldier of the regular forces enlisted on a long-term enlistment who has completed the prescribed period (which shall not be less than fifteen years) of continuous service from the relevant date may give notice to his commanding officer of his desire to continue in army service after the completion of his term of service, for such period, not exceeding five years, as may be specified in the notice ; and if the competent military authority approve he may, after the completion of his term of service, be continued as a soldier of the regular forces for the period specified in the notice, in all respects as if his term of service were still unexpired.

The giving, under the foregoing provisions of this subsection, of a notice by a soldier shall not prejudice the exercise by him of any right conferred by regulations made in pursuance of subsection (1) of section three of this Act or by subsection (3) of that section.

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

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

(3) A soldier of the regular forces for the time being continued in service under subsection (1) or (2) of this section may, within the prescribed period immediately preceding the date on which the period for which he is so continued will end, give notice to his commanding officer of his desire to continue further in army service after that date for such period, not exceeding five



years, as may be specified in the notice ; and if the competent military authority approve, he may, after that date, be further continued as a soldier of the regular forces, for the period specified in the notice, in all respects as if the term for which he was previously continued in service were still unexpired.

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

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

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

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

7.—(1) The five last foregoing sections shall apply only to persons who enlist in the regular forces after the coming into operation of those sections (not being persons who enlist in the Royal Marines or enlist in pursuance of the National Service Act, 1948), and sections four to eight of the Army Act, 1955, and the Army (Conditions of Enlistment) Act, 1957, shall not apply to persons who so enlist in the regular forces.

Application of amendments consequential on, and interpretation of, sections 2 to 6.

(2) In sections thirteen and fourteen of the Army Act, 1955, references to Part I of that Act shall be construed as including references to the five last foregoing sections.

(3) In subsection (2) of section seventeen of the Army Act, 1955, the reference to Part I of that Act shall, in the case of persons who enlist as aforesaid in the regular forces, be construed as including a reference to the five last foregoing sections.

(4) In subsections (4) and (6) of the said section seventeen, the references to the right conferred by subsection (1) of section five of the Army Act, 1955, shall, in the case of persons who enlist as aforesaid in the regular forces, be construed as references to rights conferred by regulations made in pursuance of subsection (1) of section three of this Act or by subsection (3) thereof, and the reference in the said subsection (6) to the

purposes of the said Act of 1955 shall, in the case of such persons, be construed as including a reference to the purposes of the five last foregoing sections.

(5) Nothing in the said section seventeen shall apply to a person who deserts at a time when he is continued in service under section six of this Act.

(6) In subsection (5) of section twenty of the Army Act, 1955, the reference to subsection (2) of section four of that Act shall be construed as including a reference to subsections (2) and (3) of section two of this Act.

(7) In section twenty-two of the Army Act, 1955, the reference to Part I of that Act shall be construed as including a reference to the five last foregoing sections.

(8) So much of the five last foregoing sections as relates to service in, and transfer to, the reserve shall not apply to women members of the regular forces.

(9) Expressions used in the five last foregoing sections to which meanings are assigned by section two, twenty-three or two hundred and twenty-five of the Army Act, 1955, shall have those meanings for the purposes of the first-mentioned sections.

#### *Air Force Enlistment*

**Terms of  
enlistment in  
regular air  
force.**

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

(2) Where the person enlisting has attained the age of eighteen years the said term shall be—

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

(3) Where the person enlisting has not attained the age of eighteen years the said term shall be—

- (a) a term ending with the expiration of the period of twenty-two years beginning with the date on which he attains the age of eighteen years, being a term of air-force service ; or
- (b) a term ending with the expiration of such period, not exceeding twelve years, beginning with the date on which he attains the age of eighteen years, as may be prescribed, being a term of air-force service ; or
- (c) a term, ending with the expiration of such period as is mentioned in the last foregoing paragraph, being as to

such part thereof as may be prescribed a term of air-force service and as to the remainder a term of service in the reserve.

(4) References (however expressed) in the four next following sections and in section fifteen of this Act to a person's enlisting or having enlisted on a long-term enlistment shall be construed as referring to his enlisting or, as the case may be, having enlisted for such a term as is mentioned in paragraph (a) of subsection (2) of this section or paragraph (a) of subsection (3) thereof; and in the said sections the expression "relevant date" means, subject to the provisions of the next following subsection and of the said section fifteen,—

(a) in the case of a person who enlisted after having attained the age of eighteen years, the date of his attestation, and

(b) in the case of a person who enlisted before having attained that age, the date of his attaining that age.

(5) In relation to women enlisting in the regular air force, this section shall have effect with the addition in subsection (3), after paragraph (c), of the following words:—

" or

(d) such term, not exceeding six years, as may be prescribed, being a term of air-force service ",

and in relation to a woman enlisting for such a term as is referred to in the said paragraph (d), the expression "relevant date" in the four next following sections means the date of her attestation.

9.—(1) A person in air-force service who enlisted on a long-term enlistment shall, subject to the provisions of subsections (3) and (4) of this section, have the right to determine his service at the end of such period, not exceeding twelve years beginning with the relevant date, as may be prescribed.

Change of conditions of service after long-term enlistment in regular air force.

(2) Where a person in air-force service enlisted as aforesaid his conditions of service may, on written application in that behalf made by him to his commanding officer and with the consent of the competent air-force authority, be changed as follows, that is to say:—

(a) the term for which he enlisted, or that term as previously extended under this paragraph, may be extended so as to end at such time, not later than the day on which he attains the age of fifty-five years, as may be specified in the application;

(b) he may be transferred to the reserve with liability to serve therein until the expiration of the term for which he enlisted or of that term as extended under the foregoing paragraph, or such shorter term as the said authority may in his case approve.

(3) The right conferred by subsection (1) of this section shall be exercisable by notice in writing in the prescribed form given by the person in question to his commanding officer not less than the prescribed period before the expiration of the period at the end of which his service is to determine.

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

(5) A notice given by a person under subsection (3) of this section may be withdrawn by a notice in writing in the prescribed form given by him to his commanding officer at any time before the expiration of the period last mentioned in that subsection ; but where a notice under this subsection is given after the beginning of the said prescribed period it shall be of no effect unless approved by the competent air-force authority.

Conversion of short-term enlistment in regular air force into long-term enlistment.

**10.—**(1) A person in air-force service who enlisted otherwise than on a long-term enlistment may, on written application in that behalf made by him to his commanding officer and with the consent of the competent air-force authority, be treated for the purposes of this Act, but subject to the provisions of this section, as if, on the date of his attestation, he had enlisted on a long-term enlistment.

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

(3) Subsection (1) of the last foregoing section shall not apply to a person who by virtue of this section is treated as if he had enlisted on a long-term enlistment unless his application under subsection (1) of this section is made before he has completed four years' service, and, in relation to a person who is so treated, the last foregoing section shall have effect as if, at the end of subsection (1) thereof, there were added the words "or the term for which he originally enlisted, whichever last expires".

(4) In reckoning for the purposes of the last foregoing subsection the period of service completed by any person, there shall be included, in addition to any period served by him in air-force service since the relevant date, any period served by

him since that date in the reserve and, if before his attestation he has at any time served as an officer or airman of the regular air force in air-force service or in the reserve, or the Royal Auxiliary Air Force, any period so served by him before his attestation other than—

- (a) any period served while undergoing training as an officer or airman of the reserve or the Royal Auxiliary Air Force, or
- (b) any period served before attaining the age of eighteen years in service in the regular air force as an apprentice or a boy entrant.

**11.—(1)** Where a person in air-force service enlisted otherwise than on a long-term enlistment, his conditions of service may, on written application in that behalf made by him to his commanding officer and with the consent of the competent air-force authority, be changed as follows, that is to say:—

- (a) if his enlistment was for a term ending before the expiration of a period of twelve years beginning with the relevant date, that term, or that term as previously extended under this paragraph, may be extended so as to end at such time, not later than the expiration of the said period, as may be specified in the application and so as to increase the period of his air-force service, his service in the reserve, or both, as may be so specified ;
- (b) if he has completed four years' service, the term for which he enlisted, or that term as previously extended under any provision (including this paragraph) of this subsection, may be extended so as to end at such time falling before the expiration of the period of twenty-two years beginning with the relevant date as may be specified in the application, and so as to increase the period of his air-force service, his service in the reserve, or both, as may be so specified ;
- (c) if he has completed four years' service, his period of air-force service may be extended so as to end at such time, not later than the day on which he attains the age of fifty-five years, as may be specified in the application ;
- (d) if the term for which he enlisted, or that term as extended under paragraph (a) or (b) of this subsection, includes a period of service in the reserve, his period of air-force service may be increased, according as may be specified in the application, so as to extend to the whole or a specified part of that period ;

Other changes of conditions of service of persons enlisted on short-term enlistments in regular air force.

(e) he may be transferred to the reserve with liability to serve therein for the residue of the term for which he enlisted, or if that term has been extended under paragraph (a) or (b) of this subsection, for the residue of that term as so extended or, in any case, for such shorter term as the competent air-force authority may in his case approve.

(2) Subsection (4) of the last foregoing section shall apply in reckoning for the purposes of paragraph (b) or (c) of the foregoing subsection the period of service completed by a person as it applies in reckoning such a period for the purposes of subsection (3) of that section.

**Continuance in service in regular air force after expiration of term.**

**12.—**(1) A person in air-force service who enlisted on a long-term enlistment, and a person in air-force service who enlisted otherwise than on a long-term enlistment and has completed such period of air-force service, not being less than twelve years, as may be prescribed, may, at any time during the last twelve months of the term for which he enlisted, or if that term has been extended under any of the foregoing provisions of this Act, of that term as so extended, give notice to his commanding officer of his desire to continue in service after the end of that term, or, as the case may be, of that term as so extended, and, if the competent air-force authority consent, he may, after the end of that term or, as the case may be, that term as so extended, be continued as an airman of the regular air force in all respects (subject to the next following subsection) as if his term of service were still unexpired.

(2) Where a person is continued in service under this section—

(a) sections nine to eleven of this Act shall not apply to him;

(b) he may claim his discharge at the expiration of any period of three months beginning with the date on which he gives to his commanding officer notice of his wish to be discharged.

**Provisions as to forfeiture of service in certain cases.**

**13.—**(1) Where on conviction by a court-martial any of an airman's service is forfeited in consequence of subsection (1) of section seventeen of the Air Force Act, 1955 (forfeiture of service for desertion) or that subsection and an award of a court-martial under Part II of that Act, and the right conferred by subsection (1) of section nine of this Act to determine his service ceased in his case to be exercisable before the day of the sentence, the forfeiture shall not operate to confer on him any further such right under the last-mentioned subsection.

(2) Where service of any description forfeited as mentioned in the foregoing subsection is restored under subsection (4) of the

said section seventeen to a person who, at the time of the restoration, is serving, or subsequently serves, on terms which entitle him to the right conferred by subsection (1) of section nine of this Act, the restoration shall not operate to alter the date on which, by reason of the operation of subsection (2) of the said section seventeen, his air-force service may be determined in pursuance of an exercise of that right.

(3) Nothing in the said section seventeen shall require a person whose term of enlistment has been extended under paragraph (a) of subsection (2) of section nine of this Act or paragraph (c) of subsection (1) of section eleven thereof so as to end at a specified time to serve for any period after that time.

(4) This section shall apply in relation to the forfeiture of service by virtue of section eighty-one of the Air Force Act, 1955 (forfeiture of service in case of confession of desertion on direction of Air Council or officer provided by Queen's Regulations that offence shall not be tried by court-martial or dealt with summarily) as it applies in relation to forfeiture of service on conviction by a court-martial, subject to the modification that, for any reference to the day of the sentence, there shall be substituted a reference to the day on which the direction under that section was given.

**14.—**(1) Sections four to eight of the Air Force Act, 1955, are hereby repealed, and the six last foregoing sections and the Air Force Act, 1955, shall have effect as if the said six last foregoing sections were contained in Part I of the said Act of 1955.

Repeal of sections 4 to 8 of Air Force Act, 1955, and consequential provisions.

(2) Subsection (1) of section twenty of the Air Force Act, 1955, shall have effect as if, for the reference to sections four to six of that Act, there were substituted a reference to sections eight to ten of this Act and to paragraphs (a), (d) and (e) of subsection (1) of section eleven thereof, and subsection (5) of the said section twenty shall have effect as if, for the reference to paragraph (a) of subsection (2) of section four of the Air Force Act, 1955, there were substituted a reference to subsection (2) of section eight of this Act.

**15.—**(1) The following provisions of this section shall have effect for the purposes of the application of sections eight to fourteen of this Act to the case of any person who is in air-force service immediately before the coming into operation of sections eight to fourteen of this Act (hereafter in this section referred to as "an existing airman").

Transitional provisions relating to sections 8 to 14.

(2) The repeal by the last foregoing section of sections four to eight of the Air Force Act, 1955, shall not affect the term of service (either as respects duration, or as respects liability to

air-force service or any liability to serve in the reserve) for which an existing airman is serving immediately before the coming into operation of sections eight to fourteen of this Act, and subsections (1) to (3) and subsection (5) of section eight of this Act shall not apply to an existing airman.

(3) Subsection (4) of section eight of this Act shall have effect in relation to an existing airman who enlisted before he attained the age of eighteen years but after he had attained the minimum age for man's service within the meaning of the Air Force Act, 1955, with the modification that the expression "relevant date" shall mean the date of his attestation.

(4) An existing airman who has been re-engaged for a further period of air-force service by virtue of paragraph (a) of subsection (1) of section seven of the Air Force Act, 1955, shall be treated for the purposes of subsection (2) of section nine of this Act and of sections ten to twelve of this Act as if on the date of his attestation section eight of this Act had been in force and he had enlisted on a long-term enlistment.

(5) In relation to an existing airman (other than such a one as is mentioned in the last foregoing subsection) subsection (1) of section ten of this Act shall have effect as if, after the words "on the date of his attestation", there were inserted the words "section eight of this Act had been in force and".

(6) In relation to an existing airman, any reference in section eleven or section twelve of this Act to the term of a person's enlistment—

- (a) shall, if the term for which he enlisted has been extended under subsection (1) of section five of the Air Force Act, 1955, and he is serving on that term as so extended, include a reference to that term as so extended;
- (b) shall, if he is serving on a term for which he has re-entered under subsection (2) of section six of the Air Force Act, 1955, be construed as a reference to the term for which he so re-entered;
- (c) shall, if he is serving on a term for which he has been re-engaged by virtue of paragraph (b) or paragraph (c) of subsection (1) of section seven of the Air Force Act, 1955, be construed as a reference to the term for which he was so re-engaged.

(7) Sections nine to eleven of this Act shall not apply to an existing airman continued in service under section eight of the Air Force Act, 1955, but such an airman may claim his discharge at the expiration of any period of three months beginning with the date on which he gives to his commanding officer within the



meaning of the Air Force Act, 1955, notice of his wish to be discharged.

(8) In so far as any application made under any of sections five to eight of the Air Force Act, 1955, could have been made under a corresponding provision of any of sections nine to twelve of this Act, it shall not be invalidated by the repeal by this Act of the said sections five to eight, but shall have effect as if made under that corresponding provision.

*Amendment of Provisions as to Enlistment, Service and Discharge of Men of the Royal Marines*

16. The provisions of the First Schedule to this Act shall have effect for the purpose of making amendments in Part I of the Seventh Schedule to the Army Act, 1955 (enlistment, service and discharge of men of the Royal Marines), being amendments whose object is to enable such men to be re-engaged more than once and amendments of minor detail.

Amendment of provisions as to enlistment, service and discharge of men of the Royal Marines.

*Amendment as to Discharge by Purchase applicable alike to Army Act, 1955, and Air Force Act, 1955*

17.—(1) In relation to persons enlisting after the coming into operation of this section, Part I of the Army Act, 1955, shall have effect with the substitution, for subsection (1) of section fourteen thereof, of the following subsection:—

Amendment of section 14 of Army Act, 1955, and Air Force Act, 1955.

“(1) A recruit shall be entitled to claim his discharge before the expiration of the period of three months beginning with the date of his attestation, and if he makes such a claim he shall on payment of a sum not exceeding twenty pounds be discharged with all convenient speed:

Provided that—

- (a) the Army Council may by regulations provide that the right conferred by this subsection shall not be exercisable by a recruit before the expiration of such period (not exceeding two months) beginning with the said date as may be prescribed by the regulations, and
- (b) if a claim is made under this subsection by a recruit at a time when soldiers are required by a proclamation under section ten of this Act to continue in army service, he shall not be entitled to be discharged so long as they are so required to continue in army service”.

(2) In relation to persons so enlisting, Part I of the Air Force Act, 1955, shall have effect with the substitution, for subsection (1) of section fourteen thereof, of a subsection in other respects

similar to that set out in the foregoing subsection but modified by the substitution, for the words " Army Council ", of the words " Air Council ", for the word " soldiers ", of the word " airmen " and, for the words " army service " (in both places where they occur), of the words " air-force service ".

*Amendments as to Discipline, &c., applicable alike to Army Act, 1955, and Air Force Act, 1955*

Change of circumstances for award of field punishment and forfeiture of pay.

18.—(1) The circumstances in which field punishment may be awarded to a warrant officer, non-commissioned officer, soldier or airman by sentence of a court-martial under the Army Act, 1955, or the Air Force Act, 1955, for an offence and the punishment of forfeiture of pay may be so awarded or may, under either Act, be awarded by a commanding officer to a soldier or airman for an offence shall, instead of being that the offence was committed on active service (as provided, in the case of field punishment, by subsection (1) of section seventy-three of each of those Acts and, in the case of forfeiture of pay, by paragraph (j) of subsection (2) of section seventy-two thereof and paragraph (c) of subsection (3) of section seventy-eight thereof), be that the offender is on active service at the time at which the sentence of the court is announced or, as the case may be, the commanding officer's award is made; and forfeiture of pay shall, when awarded by sentence of a court-martial, instead of being treated for the purposes of Part II of each of those Acts as less than severe reprimand or reprimand (which are specified in paragraph (i) of the said subsection (2)) be so treated as greater than those punishments but less than the punishments specified in paragraphs (a) to (h) of that subsection.

(2) Accordingly,—

(a) the said Acts shall each be amended as follows:—

(i) in subsection (2) of section seventy-two, after paragraph (e) thereof, there shall be inserted the following paragraph:—

“ (ee) where the offender is on active service on the day of the sentence, field punishment for a period not exceeding ninety days ”;

(ii) in the said subsection (2), after paragraph (h) thereof, there shall be inserted the following paragraph:—

“ (hh) where the offender is on active service on the day of the sentence, forfeiture of pay for a period beginning with the day of the sentence and not exceeding ninety days ”,

and paragraph (j) shall be omitted ;

(iii) in subsection (6) of the said section seventy-two, for the words "or detention", there shall be substituted the words "detention or field punishment";

(iv) for subsection (8) of the said section seventy-two, there shall be substituted the following subsection:—

"(8) Where an offender is on active service when sentence of a court-martial is announced, forfeiture of pay may be awarded in addition to field punishment and, in a case where he is a warrant officer or non-commissioned officer, severe reprimand or reprimand may be awarded in addition to forfeiture of pay";

(v) subsection (1) of section seventy-three shall be omitted;

(b) subsection (3) of section seventy-eight of the Army Act, 1955, shall be amended as follows:—

(i) after paragraph (a) thereof, there shall be inserted the following paragraph:—

"(aa) if the accused is a soldier who is on active service on the day of the sentence, forfeiture of pay for a period beginning with the day of the sentence and not exceeding twenty-eight days";

(ii) paragraph (c) shall be omitted; and

(c) subsection (3) of section seventy-eight of the Air Force Act, 1955, shall be amended as follows:—

(i) after paragraph (a) thereof, there shall be inserted the following paragraph:—

"(aa) if the accused is an airman who is on active service on the day of the sentence, forfeiture of pay for a period beginning with the day of the sentence and not exceeding twenty-eight days";

(ii) paragraph (c) shall be omitted.

**19.**—(1) The following provisions of this section shall have effect for the purpose of permitting the imposition, on persons found guilty under the Army Act, 1955, or the Air Force Act, 1955 (which Acts are hereafter in this section referred to as "the Acts") of offences, of punishment consisting in the forfeiture of sums from their pay. Forfeiture of sums from pay by way of punishment.

(2) Section seventy-one of each of the Acts (punishment of officers) shall be amended—

(a) by the insertion, in subsection (2) (scale of punishments), after paragraph (e) thereof, of the following paragraph:—

“(ee) forfeiture of a sum from pay”;

(b) by the addition, at the end of subsection (6) (power to award severe reprimand or reprimand in addition to forfeiture of seniority of rank), of the words “or forfeiture of a sum from pay”.

(3) Section seventy-two of each of the Acts (punishment of other ranks) shall be amended—

(a) by the insertion, in subsection (2) (scale of punishments), after the paragraph directed to be inserted therein by sub-paragraph (ii) of paragraph (a) of subsection (2) of the last foregoing section, of the following paragraph:—

“(hhh) forfeiture of a sum from pay”;

(b) by the addition, at the end of subsection (7) (power to award, to warrant officer or non-commissioned officer, severe reprimand or reprimand in addition to forfeiture of seniority of rank), of the words “or forfeiture of a sum from pay”.

(4) Section seventy-eight of each of the Acts (mode of dealing with charge against non-commissioned officer, soldier or airman after commanding officer's investigation) shall be amended—

(a) by the insertion, in subsection (3) (permissible punishments), after the paragraph directed to be inserted therein by paragraph (b) of subsection (2) of the last foregoing section in the case of the Army Act, 1955, and by paragraph (c) of that subsection in the case of the Air Force Act, 1955, of the following paragraph:—

“(aaa) forfeiture of a sum from pay”;

(b) by the substitution, for the proviso to the said subsection (3) (no forfeiture of pay or minor punishment to be awarded for an offence for which detention is awarded), of the following proviso:—

“Provided that no forfeiture of pay, forfeiture of a sum from pay or minor punishment shall be awarded for an offence for which detention is awarded, and that no forfeiture of a sum from pay shall be awarded for an offence for which field punishment or forfeiture of pay is awarded”.

(5) Section seventy-nine of each of the Acts (mode of dealing with charge against officer or warrant officer after commanding officer's investigation), shall be amended—

(a) by the insertion, in subsection (5) (permissible punishments), after paragraph (a) thereof, of the following paragraph:—

“(aa) forfeiture of a sum from pay”;

(b) by the addition, at the end of that subsection, of the words “except that he may not award both forfeiture of seniority of rank and forfeiture of a sum from pay”;

(c) by the insertion, in subsection (6) (accused to be afforded opportunity of being tried by court-martial where, inter alia, appropriate superior authority to whom charge is referred determines that if it is dealt with summarily he will award forfeiture of seniority or stoppages), of the words “forfeiture of a sum from pay”, after the words “forfeiture of seniority”.

(6) The amount of the sum that may be forfeited under either of the Acts from an offender's pay by way of punishment for an offence other than one against section seventy (civil offences) of either of them shall not exceed the aggregate of fourteen days' pay, and the amount of the sum that may be so forfeited by way of punishment for an offence against section seventy of either of the Acts—

(a) in any case, shall not exceed the aggregate of fourteen days' pay;

(b) where the civil offence constituting the offence against that section is punishable by a civil court in England only on summary conviction and is so punishable by a fine of a maximum amount less than the said aggregate, shall not exceed that maximum;

(c) where the said civil offence is punishable by a civil court in England on indictment by a fine of a maximum amount less than the said aggregate (whether or not it is also punishable on summary conviction), shall not exceed that maximum.

(7) For the purposes of this section a day's pay shall, as regards a person found guilty of an offence, be deemed to be the gross pay that is, or would (apart from any forfeiture) be, issuable to that person in respect of the day on which punishment is awarded in respect of the offence.

20. Subsection (1) of section twenty-four of the Army Act, 1955 (which specifies the offences which, when committed by a person subject to military law with intent to assist the enemy, are punishable with death or any other punishment provided

Furnishing the enemy with things likely to assist him.

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by that Act), shall have effect with the substitution, for paragraph (d) thereof (furnishing the enemy with arms or ammunition or with supplies of any description) of the following paragraph:—

“(d) furnishes the enemy with arms or ammunition or with supplies of any description or with any other thing likely to assist him (whether similar to any of the things aforesaid or not), or”;

and subsection (1) of section twenty-four of the Air Force Act, 1955 (which makes provision corresponding to that of subsection (1) of section twenty-four of the Army Act, 1955), shall have effect with a similar substitution.

Penalisation of receiving proceeds of stolen, &c., property.

**21.** In the following provisions, that is to say, paragraph (b) of section forty-four and paragraph (b) of section forty-five of the Army Act, 1955, and paragraph (b) of subsection (1) of section forty-four and paragraph (b) of section forty-five of the Air Force Act, 1955 (which penalise receiving certain property knowing it to have been stolen or fraudulently misapplied), any reference to property shall include not only a reference to such property as has been originally in the possession or control of any person, but also any property into or for which that property has been converted or exchanged, and anything acquired by a conversion or exchange of that property, whether immediately or otherwise.

Power of commanding officer as to reduction in acting rank.

**22.** Subsection (4) of section seventy-eight of the Army Act, 1955, and subsection (4) of section seventy-eight of the Air Force Act, 1955 (power of commanding officer, where he finds acting warrant officer or non-commissioned officer guilty of an offence and awards no other punishment or no other punishment except stoppages, to order the accused to revert to his permanent rank), shall each be amended by the addition, at the end thereof, of the words “or to assume an acting rank lower than that held by him but higher than his permanent rank”.

Repeal of prohibition of dismissal of certain charges referred to higher authority.

**23.** Subsection (2) of section eighty of the Army Act, 1955, and subsection (2) of section eighty of the Air Force Act, 1955 (which prohibit the reference back, for dismissal, of a charge referred to higher authority with a view to its being tried by court-martial where the accused has elected to be so tried and has not withdrawn his election) shall cease to have effect.

Extension of admissibility of statutory declaration in evidence.

**24.** At the end of paragraph (b) of the proviso to subsection (2) of section ninety-nine of the Army Act, 1955, and of paragraph (b) of the proviso to subsection (2) of section ninety-nine of the Air Force Act, 1955 (by virtue of which provisos the

admission in evidence in proceedings before a court-martial of a statutory declaration put forward by the defence is prohibited unless a copy thereof has, not less than seven days before the trial, been served on the commanding officer of the accused) there shall be added the words " or the commanding officer of the accused has given his agreement in writing to its admission "

25. In subsection (3) of section one hundred and fifteen of the Army Act, 1955, and in subsection (3) of section one hundred and fifteen of the Air Force Act, 1955 (which subsections enable an authority reviewing a finding on a charge that has been dealt with summarily to quash the finding, and require an award to be quashed where a finding is quashed) the words " and if the finding is quashed the authority shall also quash the award " shall cease to have effect; and after each of the said subsections there shall be inserted the following subsection:—

Power of authority reviewing summary findings and awards.

" (3A) If a finding in any proceedings is quashed under the last foregoing subsection and the award made in those proceedings relates only to the finding quashed, the authority shall also quash the award; and if the award relates also to any other finding and it appears to the authority that the award was not warranted by this Act in respect of that other finding, the authority may vary the award by substituting such punishment or punishments as the authority may think proper, being a punishment or punishments which could have been included in the original award in relation to that other finding, and not being in the opinion of the authority more severe than the punishment or punishments included in the original award ".

26.—(1) For subsection (2) of section one hundred and thirty-five of the Army Act, 1955 (composition of boards of inquiry) there shall be substituted the following subsection:—

Amendments as to persons qualified to hold inquiries.

" (2) A board of inquiry shall consist of a president, who shall be an officer not below the rank of captain or corresponding rank and be subject to military law, the Naval Discipline Act, 1957, or air-force law, and not less than two other members each of whom shall either be a person so subject or be a person not so subject who is in the service of the Crown ",

and for subsection (2) of section one hundred and thirty-five of the Air Force Act, 1955 (which is the corresponding section of that Act) there shall be substituted the following subsection:—

" (2) A board of inquiry shall consist of a president, who shall be an officer not below the rank of flight-lieutenant or corresponding rank and be subject to air-force law, the Naval Discipline Act, 1957, or military law, and, not less

than two other members each of whom shall either be a person so subject or be a person not so subject who is in the service of the Crown ”.

(2) In subsection (1) of section one hundred and thirty-seven of the Army Act, 1955 (holding of regimental inquiries by persons subject to military law, the Naval Discipline Act, 1957, or air-force law) for the words “by such person or persons subject to military law, the Naval Discipline Act or air-force law as may be specified by or determined under such regulations”, there shall be substituted the words “by such person or persons as may be specified by or determined under such regulations (being, as the case may be, a person who is subject to military law, the Naval Discipline Act, 1957, or air-force law or, not being so subject, is in the service of the Crown, or persons each of whom is so subject or, not being so subject, is in that service)”; and in subsection (1) of section one hundred and thirty-seven of the Air Force Act, 1955 (which is the corresponding section of that Act) for the words “by such person or persons subject to air-force law, the Naval Discipline Act or military law as may be specified by or determined under such regulations” there shall be substituted the words “by such person or persons as may be specified by or determined under such regulations (being, as the case may be, a person who is subject to air-force law, the Naval Discipline Act, 1957, or military law or, not being so subject, is in the service of the Crown, or persons each of whom is so subject or, not being so subject, is in that service)”.

(3) Subsection (4) of section one hundred and thirty-five of the Army Act, 1955 (which requires board of inquiry rules to contain provision for securing to persons who may be affected by the findings of such a board an opportunity of being present, and represented, at sittings of the board), shall have effect—

- (a) in its application to a board of inquiry the sittings of which begin after the time at which this section comes into operation, and
- (b) in its application, by virtue of subsection (3) of section one hundred and thirty-seven of that Act, to an inquiry the holding of which, in pursuance of that section, is begun after that time,

as if the reference to a person who may be affected by the findings of, as the case may be, the board or inquiry did not include anyone other than a person who is subject to military law, the Naval Discipline Act, 1957, or air-force law or a person who, though not so subject, is in the service of the Crown and may be so affected in his character or professional reputation; and subsection (4) of section one hundred and thirty-five of the Air Force Act, 1955, shall have corresponding effect.



*Other Amendments applicable alike to Army Act, 1955,  
and Air Force Act, 1955.*

**27.**—(1) For section one hundred and forty-six of the Army Act, 1955 (which authorises deduction from pay of any payment made by a military authority towards meeting the whole or part of any fine, penalty, damages, compensation or costs awarded by a sentence or order of a civil court against a person who at the time of the sentence or order is a member of the regular forces) there shall be substituted the following section :—

Deduction  
from pay  
of civil  
penalties.

“ 146. Where a person sentenced or ordered by a civil court (whether within or without Her Majesty’s dominions) to pay a sum by way of fine, penalty, damages, compensation or costs in consequence of being charged before the court with an offence is at the time of the sentence or order, or subsequently becomes, a member of the regular forces, then if the whole or any part of that sum is met by a payment made by or on behalf of any military authority, the amount of the payment may be deducted from his pay.”.

(2) For section one hundred and forty-six of the Air Force Act, 1955 (which makes provision corresponding to that of section one hundred and forty-six of the Army Act, 1955) there shall be substituted a section in other respects similar to that set out in the foregoing subsection but modified by the substitution, for the words “ regular forces ”, of the words “ regular air force ” and, for the words “ military authority ”, of the words “ air-force authority ”.

**28.**—(1) An order may be made under subsection (2) of section one hundred and forty-seven of the Army Act, 1955 (which empowers the Army Council or an officer authorised by them, where it appears to them or him that loss of, or damage to, public or service property has been occasioned by a person while a member of the regular forces, to order that person to pay compensation for the loss or damage), notwithstanding that that person is at the time when the order is made no longer a member of the regular forces, and accordingly in the said subsection (2) after the words “ the person responsible ” (where first occurring) there shall be inserted the words “ (whether or not he is a member of the regular forces at the time when the order is made) ”.

Extension of  
power to order  
compensation  
for loss  
occasioned by  
wrongful act  
or negligence.

(2) The reference in the foregoing subsection to the Army Act, 1955, shall be deemed to include a reference to the Air Force Act, 1955, but that subsection shall, in its application to the last-mentioned Act, have effect with the substitution, for the words “ Army Council ”, of the words “ Air Council ”, and, for the words “ regular forces ”, in each place where they occur, of the words “ regular air force ”.

Extension of power of enforcement of maintenance order by deduction from pay.

**29.**—(1) Section one hundred and fifty of the Army Act, 1955, and section one hundred and fifty of the Air Force Act, 1955 (which authorise deduction from pay of sums payable by a person under an order of a civil court for the maintenance of a child of his), shall each be amended by the insertion, in subsection (5), after the second paragraph, of the following paragraph:—

“ references to a child of a person include references to a child of his wife, and to an illegitimate or adopted child of that person or of his wife, and in this paragraph ‘ adopted child ’ means a child adopted (whether alone or jointly) in pursuance of an adoption order made under the Adoption Act, 1958, or any enactment repealed by that Act or by the Adoption Act, 1950, or under any corresponding enactment of the Parliament of Northern Ireland ; ”.

(2) Accordingly,—

- (a) in each of those sections, in subsection (1), in paragraph (a), the words “ or of any illegitimate child of whom he is the putative father ” shall be omitted ; and in subsection (3), in the proviso, for the words “ an order for payment of a sum for or in respect of the maintenance of an illegitimate child or ” there shall be substituted the words “ an order adjudging a man to be the father of an illegitimate child, and ordering him to pay a sum of money for or in respect of the maintenance of that child or any order varying or reviving such an order, or any order ” ;
- (b) in subsection (8) of section two hundred and fourteen of the Army Act, 1955, and in subsection (8) of section two hundred and twelve of the Air Force Act, 1955, the words from the beginning to “ the father ; and ” shall be omitted.

Persons whose duty it is to sign certificates of arrest or surrender of deserters and absentees.

**30.** Subsection (1) of section one hundred and eighty-nine of the Army Act, 1955, and subsection (1) of section one hundred and eighty-nine of the Air Force Act, 1955 (which require certificates of arrest of deserters and absentees brought before a court of summary jurisdiction to be signed by a justice of the peace), shall, as regards certificates issued after the coming into operation of this section, have effect—

- (a) in their application to England and Wales, with the substitution, for references to a justice of the peace, of references to a justice of the peace or the clerk of the court ;
- (b) in their application to Scotland, with the substitution, for references to a justice of the peace, of references to the clerk of the court ;

- (c) in their application to Northern Ireland, with the substitution, for references to a justice of the peace, of references to a resident magistrate or the clerk of petty sessions for the petty sessions district in which the court sat ;
- (d) in their application to the Isle of Man, with the substitution, for references to a justice of the peace, of references to a justice of the peace or the clerk of the court ;
- (e) in their application to the islands of Jersey and Guernsey, with the substitution, for references to a justice of the peace, of references to a magistrate or a person for the time being authorised to act as a magistrate ;
- (f) in their application to Alderney, with the substitution, for references to a justice of the peace, of references to the chairman of the Court of Alderney or the person for the time being authorised to act as chairman of that Court ;
- (g) in their application to Sark, with the substitution, for references to a justice of the peace, of references to the Seneschal or the Deputy Seneschal ;
- (h) in their application to a colony, a territory under Her Majesty's protection or a territory for the time being administered by Her Majesty's government in the United Kingdom under the trusteeship system of the United Nations, with the substitution, for references to a justice of the peace, of references to a magistrate or the official (by whatever designation known) who exercises in the court functions similar to those exercised in England by the clerk of a court of summary jurisdiction.

*Extension of penal Provisions of Army Act, 1955, to Acts and Omissions relating to Aircraft and aircraft Material*

**31.**—(1) Subsection (1) of section twenty-four of the Army Act, 1955, shall have effect as if, after paragraph (e) thereof, there were inserted the following :—

“ or

- (f) gives any false air signal or alters or interferes with any air signal or any apparatus for giving an air signal, or
- (g) when ordered by his superior officer, or otherwise under orders, to carry out any warlike operations in the air fails to use his utmost exertions to carry such orders into effect, or
- (h) causes the capture or destruction by the enemy of any of Her Majesty's aircraft ”.

Extension of section 24 of Army Act, 1955, to offences relating to aircraft.

(2) In subsection (2) of the said section twenty-four (which provides for the punishment, with imprisonment or any less punishment provided by the said Act, of persons subject to military law who, without intent to assist the enemy but knowingly and without lawful excuse, do any of the acts specified in paragraphs (a) to (e) of subsection (1) of that section), for the reference to those paragraphs there shall be substituted a reference to paragraphs (a) to (g) of that subsection.

(3) At the end of the said section there shall be added the following subsection:—

“ (3) Any person subject to military law who negligently causes the capture or destruction by the enemy of any of Her Majesty’s aircraft shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act ”.

Extension of section 26 of Army Act, 1955, to offences relating to aircraft.

**32.** Section twenty-six of the Army Act, 1955 (which provides for the punishment, with imprisonment or any less punishment provided by that Act, of a person subject to military law who, when before the enemy, does either of the acts specified in paragraphs (a) and (b) of subsection (1) thereof in such a manner as to show cowardice or otherwise behaves in such a manner as to show cowardice, or induces other persons so subject to do either of those acts in such a manner or otherwise so to behave) shall have effect as if, after the said paragraph (b), there were inserted the following:—

“ or

(c) does any of the acts specified in paragraphs (f) to (h) of subsection (1) of section twenty-four of this Act ”.

Extension of section 44 of Army Act, 1955, to aircraft and aircraft material.

**33.** At the end of section forty-four of the Army Act, 1955 (which provides for the punishment, with imprisonment or any less punishment provided by that Act, of a person subject to military law who commits the offences specified in that section in relation to public or service property) there shall be added the following subsections:—

“ (2) Without prejudice to the generality of the foregoing provisions of this section, any person subject to military law who—

(a) wilfully damages, or is concerned in the wilful damage of, any of Her Majesty’s aircraft or aircraft material, or

(b) by wilful neglect causes damage to, or the loss of, any of Her Majesty’s aircraft or aircraft material, or

(c) without lawful authority disposes of any of Her Majesty's aircraft or aircraft material, shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act.

(3) Any person subject to military law who, during a state of war, wilfully and without proper occasion or negligently causes the sequestration by or under the authority of a neutral state or the destruction in a neutral state of any of Her Majesty's aircraft shall, on conviction by court-martial, be liable to imprisonment or any less punishment provided by this Act:

Provided that if he has not acted wilfully or with wilful neglect he shall not be liable to imprisonment for a term exceeding two years”.

**34.** Section forty-six of the Army Act, 1955 (which provides for the punishment, with imprisonment for a term not exceeding two years or any less punishment provided by that Act, of a person subject to military law who commits any of the miscellaneous offences relating to property specified in paragraphs (a) to (e) thereof) shall have effect as if, after paragraph (a) thereof, there were inserted the following paragraphs:—

*Extension of section 46 of Army Act, 1955, to aircraft and aircraft material.*

“(aa) by negligence loses or damages any of Her Majesty's aircraft or aircraft material, or

(ab) is guilty of any act or neglect likely to cause damage to, or the loss of, any of Her Majesty's aircraft or aircraft material, or”.

#### *Colonial, &c., Forces*

**35.** In subsection (3) of section two hundred and seven of the Army Act, 1955 (which provides for the application of that Act to a member of a colonial force who is acting with the regular or other military forces in the United Kingdom and for his being subject to military law) and in subsection (3) of section two hundred and seven of the Air Force Act, 1955 (which makes similar provision in the case of persons acting with the regular or other air forces) for the words “in the United Kingdom” there shall be substituted the words “outside that colony”.

*Application of Army Act, 1955, and Air Force Act, 1955, to members of force of colony serving outside it.*

**36.**—(1) Section three of the Act of Settlement shall not apply, and shall be deemed never to have applied, so as to prevent a British protected person's being employed as an officer, warrant officer or non-commissioned officer of a military or air force raised under the law of a colony, a territory under Her Majesty's protection, a United Kingdom mandated territory or a United Kingdom trust territory.

*Provision for employment of British protected persons in colonial, &c., military and air forces.*

(2) In the foregoing subsection the reference to such law as is therein mentioned shall include, in relation to two or more colonies or territories under a central legislature, a reference to law made by that legislature, and “United Kingdom mandated territory” and “United Kingdom trust territory” have the same meanings as in the British Nationality Act, 1948.

#### *Miscellaneous Provisions*

Amendments consequential on creation of ranks of lance-corporal and lance-bombardier.

**37.**—(1) If provision is made by the Queen’s Regulations for the Army for creating the ranks of lance-corporal and lance-bombardier, the following provisions of this section shall come into operation on the day on which the provision so made takes effect.

(2) The Army Act, 1955, shall be amended as follows:—

(a) after subsection (3) of section seventy-eight there shall be inserted the following subsection:—

“ (3A) Where the accused is a lance-corporal or lance-bombardier, and the commanding officer finds him guilty, the commanding officer may, if he awards no other punishment or no other punishment except stoppages, order the accused to be reduced to the ranks.”;

(b) in subsection (6) of section seventy-eight, for the words “the three last foregoing subsections” there shall be substituted the words “the four last foregoing subsections”;

(c) in subsection (1) of section two hundred and one (restrictions on reduction in rank of warrant officers and non-commissioned officers), after the words “non-commissioned officer of the regular forces” there shall be inserted the words “(other than a lance-corporal or lance-bombardier)”;

(d) in subsection (1) of section two hundred and twenty-five (general provisions as to interpretation), in the definition of “acting rank”, the words “and references to acting non-commissioned officers shall be construed as including references to lance-corporals and lance-bombardiers” shall be omitted.

(3) After paragraph 3 of the Sixth Schedule to the Air Force Act, 1955 (application of Act to attached members of naval and military forces), there shall be inserted the following paragraph:—

“ 3A. Notwithstanding anything in section two hundred and one of this Act, a commanding officer dealing summarily, under section seventy-eight of this Act, with a lance-corporal or lance-bombardier subject to air-force law

as aforesaid may, if he finds him guilty and awards no other punishment or no other punishment except stoppages, order him to be reduced to the ranks”.

**38.**—(1) The enactments specified in the first column of the Second Schedule to this Act shall have effect subject to the amendments respectively specified in relation thereto in the second column of that Schedule, being minor amendments or amendments consequential on the foregoing provisions of this Act. Minor and consequential amendments of enactments and transitional provisions as to punishment.

(2) The transitional provisions set out in the Third Schedule to this Act shall have effect in connection with the amendments made by this Act in Part II (discipline and trial and punishment of offences) of the Army Act, 1955, and of the Air Force Act, 1955.

#### *Short Title, Construction and Commencement*

**39.**—(1) This Act may be cited as the Army and Air Force Act, 1961. Short title, construction and commencement.

(2) Any reference in an Act passed before the passing of this Act to an enactment contained in the Army Act, 1955, or the Air Force Act, 1955, being an enactment amended by this Act, shall, unless the contrary intention appears, be construed as referring to that enactment as so amended.

(3) Sections two to sixteen, eighteen to thirty-five and thirty-eight of this Act and the Schedules thereto, except so much of the Second Schedule as amends the Courts-Martial (Appeals) Act, 1951, shall come into operation on the first day of January, nineteen hundred and sixty-two.

## SCHEDULES

### Section 16

### FIRST SCHEDULE

#### AMENDMENTS OF PART I OF SEVENTH SCHEDULE TO ARMY ACT, 1955

1. In the following provisions of the Seventh Schedule to the Army Act, 1955 (hereafter in this Schedule referred to as "the principal Schedule"), namely,—

(a) heads (a) and (b) of sub-paragraph (2) of paragraph 2 ;

(b) heads (a) and (b) of sub-paragraph (3) of that paragraph ;  
and

(c) sub-paragraph (7) of paragraph 5 ;

for the words " by order of the Admiralty " there shall be substituted the words " by regulations of the Admiralty ".

2. In sub-paragraph (4) of paragraph 2 of the principal Schedule, after the words " Royal Marines ", where secondly occurring, there shall be inserted the words " with the consent of the competent authority ".

3. For sub-paragraph (1) of paragraph 3 of the principal Schedule, there shall be substituted the following sub-paragraph:—

" (1) Any marine may, if approved by the competent authority as a fit person to continue in Her Majesty's service as a marine, be re-engaged for any period authorised by regulations of the Admiralty ".

4.—(1) In sub-paragraph (2) of paragraph 4 of the principal Schedule, for the word " second " there shall be substituted the words " a subsequent " and for the words " two years " there shall be substituted the words " one year ".

(2) In sub-paragraph (3) of the said paragraph 4, for the words from the beginning to " give notice ", there shall be substituted the words " Where a marine serving in the Royal Marines will, at the end of a period for which he has been re-engaged, have completed not less than twenty-two years' service in the Royal Marines after attaining the age of eighteen years, he may at any time during the last twelve months of that period give notice ", and for the words " his commanding officer or other competent authority " there shall be substituted the words " the competent authority ".

5.—(1) In sub-paragraph (4) of paragraph 5 of the principal Schedule, for the words " if he so elects and obtains the consent of his commanding officer and, through his commanding officer, the consent of the proper authority of the country where he is ", there shall be substituted the words " if, through his commanding officer, he obtains the consent of the competent authority and that of the proper authority of the country where he is ".

(2) Sub-paragraph (6) of the said paragraph 5 shall cease to have effect.

6. At the end of paragraph 10 of the principal Schedule there shall be added the words " and the expression ' competent authority ' "



means the Admiralty or an officer authorised by regulations of the Admiralty to act for the purposes of this Part of this Schedule ”.

1ST SCH.

7.—(1) Paragraph 2 of this Schedule shall not apply to a marine serving in the Royal Marines at the relevant time and sub-paragraph (1) of paragraph 4 of this Schedule shall not apply to a marine whose service expired before that time.

(2) In the case of a marine serving in the Royal Marines at the relevant time on a second engagement—

(a) sub-paragraph (2) of paragraph 4 of this Schedule (except in so far as it substitutes the competent authority for the commanding officer or other competent authority) shall not apply ; but

(b) sub-paragraph (3) of paragraph 4 of the principal Schedule shall have effect as if, for the words “ his second engagement ”, there were substituted the words “ his second, or a subsequent, engagement ”.

(3) Any approval given under sub-paragraph (1) of paragraph 3 of the principal Schedule before the relevant time shall have effect as if it were approval given under the sub-paragraph substituted therefor by paragraph 3 of this Schedule, and any approval given under sub-paragraph (3) of paragraph 4 of the principal Schedule before that time shall have effect as if it were approval given under that sub-paragraph as amended by sub-paragraph (2) of paragraph 4 of this Schedule.

(4) In this paragraph “ the relevant time ” means the time at which this Schedule comes into operation.

## SECOND SCHEDULE

Sections 38 &amp; 39.

### MINOR AND CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

| <i>Enactment</i>                                                                  | <i>Amendment</i>                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The Recall of Army and Air Force Pensioners Act, 1948 (12, 13 & 14 Geo. 6. c. 8). | The reference in subsection (3) of section two (as amended by the Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955) to the provisions of the Army Act, 1955, or the Air Force Act, 1955, as to the term for which a person may be enlisted shall be construed as including a reference to the corresponding provisions of this Act. |
| The Army Reserve Act, 1950 (14 Geo. 6. c. 32).                                    | Any reference which, by virtue of the Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955, is to be construed as a reference to transfer to the army reserve in pursuance either of the Army Act or of the Army Act, 1955, shall be construed as referring also to transfer to that reserve in pursuance of this Act.                  |

## 2ND SCH.

*Enactment**Amendment*

The Air Force Reserve Act, 1950 (14 Geo. 6. c. 33).

Any reference which, by virtue of the Revision of the Army and Air Force Acts (Transitional Provisions) Act, 1955, is to be construed as a reference to transfer to the air force reserve in pursuance either of the Air Force Act or of the Air Force Act, 1955, shall be construed as referring also to transfer to that reserve in pursuance of this Act.

The Courts-Martial (Appeals) Act, 1951 (14 & 15 Geo. 6. c. 46).

In section eighteen, for the words "any proceedings with respect to the revision of the finding or sentence of the court-martial in pursuance of subsection (2) of section fifty-four of the Army Act or subsection (2) of section fifty-four of the Air Force Act" there shall be substituted the words "any proceedings with respect to the revision of the finding of the court-martial in pursuance of section one hundred and nine of the Army Act, 1955, or section one hundred and nine of the Air Force Act, 1955".

The Army Act, 1955 (3 & 4 Eliz. 2. c. 18).

Subsection (3) of section thirty-seven shall not apply to a person who deserts at a time when he is continued in service under section eight of the Army Act, 1955, or section six of this Act.

At the end of subsection (7) of section one hundred and forty-four there shall be added the words "and the whole or any part of any sum forfeited from an offender's pay may be recovered by deduction from any such balance".

In section one hundred and ninety-eight, in subsection (5), for the words "one of the said service books" there shall be substituted the words "any such book or other document as aforesaid", and after the words "custody of the book" there shall be substituted the words "or other document".

In section two hundred and twenty-five, in subsection (1), after the definition of "aircraft material" there shall be inserted the following definition:—

"'air signal' means any message, signal or indication given, by any means whatsoever, for the guidance of aircraft or a particular aircraft",

and in the definition of "corps", for the words "the regular forces" there shall be substituted the words "Her Majesty's military forces".

| <i>Enactment</i>                                                           | <i>Amendment</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 2ND SCH. |
|----------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <p>The Army Act, 1955<br/>(3 &amp; 4 Eliz. 2. c. 18).<br/><i>cont.</i></p> | <p>In the Third Schedule, paragraph 9 of the first column and paragraph 9 of the second column shall be omitted.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |          |
| <p>The Air Force Act, 1955<br/>(3 &amp; 4 Eliz. 2. c. 19).</p>             | <p>Section seventeen shall not apply to a person who deserts at a time when he is continued in service under section eight of the Air Force Act, 1955, or section twelve of this Act.</p> <p>Subsection (3) of section thirty-seven shall not apply to a person who deserts at a time when he is continued in service under section eight of the Air Force Act, 1955, or section twelve of this Act.</p> <p>In paragraph (e) of section one hundred and one, after the words "acting as a member thereof" there shall be inserted the words "or is so attending", and the words "is so attending or" shall be omitted.</p> <p>At the end of subsection (7) of section one hundred and forty-four there shall be added the words "and the whole or any part of any sum forfeited from an offender's pay may be recovered by deduction from any such balance".</p> <p>In section one hundred and ninety-eight, in subsection (5), for the words "one of the said service books" there shall be substituted the words "any such book or other document as aforesaid", and after the words "custody of the book" there shall be inserted the words "or other document".</p> <p>In the Third Schedule, paragraph 9 of the first column and paragraph 9 of the second column shall be omitted.</p> <p>In the Sixth Schedule, in paragraph 11, the words "this Part of" shall be omitted.</p> |          |

## Section 38.

## THIRD SCHEDULE

## TRANSITIONAL PROVISIONS AS TO PUNISHMENTS

1. In relation to a sentence of a court-martial announced before the end of the year nineteen hundred and sixty-one, but falling to be dealt with under section one hundred and ten of the Army Act, 1955, or of the Air Force Act, 1955, after that time, subsection (3) of that section shall have effect as if the reference to any punishment or punishments which could have been awarded by the court referred to any punishment or punishments which could have been so awarded had sections eighteen to twenty-six of this Act been in operation when the sentence was announced, and in relation to a finding or sentence of a court-martial announced before that time but falling to be reviewed after that time under section one hundred and thirteen of the Army Act, 1955, or of the Air Force Act, 1955, paragraph (c) of subsection (5) of that section shall have effect as if the reference to power conferred by the said subsection (3) referred to power conferred by that subsection as amended by this paragraph.

2. In relation to an award made before the time aforesaid in consequence of a charge's having been dealt with summarily but falling to be reviewed under section one hundred and fifteen of the Army Act, 1955, or of the Air Force Act, 1955, after that time, subsections (3A) and (4) of that section shall each have effect as if the reference to a punishment or punishments which could have been included in the original award referred to a punishment or punishments which could have been so included had sections eighteen to twenty-six of this Act been in operation when the award was made.

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

| Short Title                                                                             | Session and Chapter       |
|-----------------------------------------------------------------------------------------|---------------------------|
| Act of Settlement ... ..                                                                | 12 & 13 Will. 3. c. 2.    |
| British Nationality Act, 1948 ... ..                                                    | 11 & 12 Geo. 6. c. 56.    |
| 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. |
| Adoption Act, 1950 ... ..                                                               | 14 Geo. 6. c. 26.         |
| Army Reserve Act, 1950 ... ..                                                           | 14 Geo. 6. c. 32.         |
| Air Force Reserve Act, 1950 ... ..                                                      | 14 Geo. 6. c. 33.         |
| Courts-Martial (Appeals) Act, 1951 ... ..                                               | 14 & 15 Geo. 6. c. 46.    |
| Army 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 (Transi-<br>tional Provisions) Act, 1955 ... .. | 3 & 4 Eliz. 2. c. 20.     |
| Army (Conditions of Enlistment) Act, 1957 ...                                           | 5 & 6 Eliz. 2. c. 50.     |
| Naval Discipline Act, 1957 ... ..                                                       | 5 & 6 Eliz. 2. c. 53.     |
| Adoption Act, 1958 ... ..                                                               | 7 & 8 Eliz. 2. c. 5.      |

## CHAPTER 53

An Act to enable the Minister of Transport to make advances to Cunard White Star Limited in connection with the construction of a large vessel for the North Atlantic shipping trade, and to enter into agreements with them concerning insurance risks connected with such a vessel.  
[27th July, 1961]

**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 Minister may from time to time advance to the company incorporated under the Companies Acts and named “Cunard White Star Limited” (hereinafter referred to as “the Company”) sums not exceeding eighteen million pounds in all on such terms as may be agreed between the Minister and the Company for the purpose of the construction of a large vessel for the North Atlantic shipping trade. Power to make advances for construction of vessel.

(2) Subject to this section, sums advanced by the Minister under the foregoing subsection shall be by way of loan repayable at such times as may be agreed between the Minister and the Company and shall carry interest at such rate and on such other terms as may be so agreed.

(3) If interest on any sums advanced by way of loan under this section is at a rate exceeding four and a half per cent. per annum, the Minister and the Company may, notwithstanding subsection (2) of this section, agree on terms which provide for a part of any sums advanced under subsection (1) of this section being by way of grant (instead of by way of loan) but which in the opinion of the Minister do no more for the Company than place them in a position which is, within a reasonable degree of approximation, equivalent to the position in which the Company would have been if every part of the sums advanced under subsection (1) of this section had been by way of loan, but had carried interest at the rate of four and a half per cent. per annum.

(4) The total of any advances made by way of grant by virtue of subsection (3) of this section shall not exceed three and a quarter million pounds:

Provided that the Minister may, by order contained in a statutory instrument of which a draft has been laid before the Commons House of Parliament and approved by a resolution of that House, substitute for the reference in this subsection to three and a quarter million pounds a reference to such greater sum as may be specified in the order.

(5) A copy of any agreement between the Minister and the Company regarding the making of advances for the purpose

mentioned in subsection (1) of this section shall be laid before each House of Parliament.

(6) The sums required by the Minister under subsection (1) of this section shall be issued to him by the Treasury out of the Consolidated Fund, except that if, in accordance with subsection (3) of this section, a part of any sum so advanced constitutes a grant, there shall be paid out of money provided by Parliament an amount equal to the amount of the grant, and that amount shall be applied in furnishing part of any sum required by the Minister under subsection (1) of this section.

2 & 3 Geo. 6.  
c. 117.

(7) For the purpose of providing sums to be issued out of the Consolidated Fund under the last foregoing subsection, or 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 be created and issued under that Act.

(8) All sums received by the Minister as interest on, or repayment of, sums advanced under subsection (1) of this section shall be paid into the Exchequer and, except so far as they represent repayment of any grant, or interest on any grant becoming repayable, 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.

(9) The Minister shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of sums issued to him under this section, and of the interest and other payments received by him in respect of advances made by him out of sums so issued to him, and of the disposal of those sums respectively; and the Minister shall, not later than the end of November following the year, send the account to the Comptroller and Auditor General who shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

Power to enter into insurance agreement and establishment of insurance fund.

2.—(1) The Minister may enter into an agreement with the Company for the provision of insurance for the vessel mentioned in section one of this Act, and in connection with its construction and operation, against such risks and on such terms as may be specified in the agreement.

(2) The Minister shall not enter into any agreement in pursuance of this section unless a draft of the agreement has been laid before each House of Parliament and the draft has been approved by a resolution of each House.

(3) The foregoing provisions of this section shall apply to any further agreement between the Minister and the Company by which an agreement made in pursuance of subsection (1) of this section is supplemented or modified.

(4) There shall be established for the purpose of this section under the control and management of the Minister a fund (hereinafter referred to as the "insurance fund")—

(a) into which shall be paid, subject as hereinafter provided, all sums received by the Minister by virtue of the foregoing provisions of this section, and

(b) out of which shall be paid, so far as the assets of the fund are sufficient, any sums payable by the Minister by virtue of those provisions.

(5) If, at any time when a payment falls to be made by the Minister under the foregoing provisions of this section, the assets of the insurance fund are insufficient to meet the sum required for the making of that payment, an amount equal to the deficiency shall be charged on, and issued to the Minister by the Treasury out of, the Consolidated Fund.

(6) Where any sums have been issued out of the Consolidated Fund under the last foregoing subsection for the purpose of meeting any sums payable by the Minister in respect of any loss or expenditure, any money received by the Minister in diminution of that loss or expenditure shall, up to the amount of the sums so issued, be paid into the Exchequer in accordance with directions to be given by the Treasury and not into the insurance fund.

(7) The Minister shall invest, in the name of the National Debt Commissioners, all money forming part of the insurance fund, so far as not immediately required to provide any sums payable by the Minister by virtue of subsections (1) to (3) of this section, in securities, being securities the principal of and interest on which are charged on the Consolidated Fund.

(8) If at any time the Minister is satisfied that no further sums will become payable by him by virtue of this section, all securities then forming part of the insurance fund shall be cancelled.

(9) The Minister shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of sums received into and paid out of the insurance fund and of sums issued out of the Consolidated Fund or paid into the Exchequer under this section; and the Minister shall, not later than the end of November following the year, send the account to the Comptroller and Auditor General who shall examine,

certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

Short title,  
interpretation  
and extent.

3.—(1) This Act may be cited as the North Atlantic Shipping Act, 1961.

(2) In this Act “ the Minister ” means the Minister of Transport.

(3) It is hereby declared that this Act extends to Northern Ireland.

## CHAPTER 54

An Act to make provision with respect to the use of parts of bodies of deceased persons for therapeutic purposes and purposes of medical education and research and with respect to the circumstances in which post-mortem examinations may be carried out; and to permit the cremation of bodies removed for anatomical examination.

[27th July, 1961]

**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:—

Removal of  
parts of  
bodies for  
medical  
purposes.

1.—(1) If any person, either in writing at any time or orally in the presence of two or more witnesses during his last illness, has expressed a request that his body or any specified part of his body be used after his death for therapeutic purposes or for purposes of medical education or research, the person lawfully in possession of his body after his death may, unless he has reason to believe that the request was subsequently withdrawn, authorise the removal from the body of any part or, as the case may be, the specified part, for use in accordance with the request.

(2) Without prejudice to the foregoing subsection, the person lawfully in possession of the body of a deceased person may authorise the removal of any part from the body for use for the said purposes if, having made such reasonable enquiry as may be practicable, he has no reason to believe—

(a) that the deceased had expressed an objection to his body being so dealt with after his death, and had not withdrawn it; or

(b) that the surviving spouse or any surviving relative of the deceased objects to the body being so dealt with.



(3) Subject to subsections (4) and (5) of this section, the removal and use of any part of a body in accordance with an authority given in pursuance of this section shall be lawful.

(4) No such removal shall be effected except by a fully registered medical practitioner, who must have satisfied himself by personal examination of the body that life is extinct.

(5) Where a person has reason to believe that an inquest may be required to be held on any body or that a post-mortem examination of any body may be required by the coroner, he shall not, except with the consent of the coroner,—

(a) give an authority under this section in respect of the body; or

(b) act on such an authority given by any other person.

(6) No authority shall be given under this section in respect of any body by a person entrusted with the body for the purpose only of its interment or cremation.

(7) In the case of a body lying in a hospital, nursing home or other institution, any authority under this section may be given on behalf of the person having the control and management thereof by any officer or person designated for that purpose by the first-mentioned person.

(8) Nothing in this section shall be construed as rendering unlawful any dealing with, or with any part of, the body of a deceased person which is lawful apart from this Act.

(9) In the application of this section to Scotland, for subsection (5) there shall be substituted the following subsection:—

“(5) Nothing in this section shall authorise the removal of any part from a body in any case where the procurator fiscal has objected to such removal.”

2.—(1) Without prejudice to section fifteen of the Anatomy Act, 1832 (which prevents that Act from being construed as applying to post-mortem examinations directed to be made by a competent legal authority), that Act shall not be construed as applying to any post-mortem examination carried out for the purpose of establishing or confirming the causes of death or of investigating the existence or nature of abnormal conditions. Post-mortem examinations. 2 & 3 Will. 4. c. 75.

(2) No post-mortem examination shall be carried out otherwise than by or in accordance with the instructions of a fully registered medical practitioner, and no post-mortem examination which is not directed or requested by the coroner or any other competent legal authority shall be carried out without the authority of the person lawfully in possession of the body; and subsections (2), (5), (6) and (7) of section one of this Act shall, with the necessary modifications, apply with respect to the giving of that authority.

**Cremation of bodies after anatomical examination.**2 Edw. 7. c. 8.  
15 & 16 Geo. 6.  
& 1 Eliz. 2. c. 31.

3. The provision to be made and the certificate to be transmitted under section thirteen of the Anatomy Act, 1832, in respect of a body removed for anatomical examination may, instead of being provision for and a certificate of burial, as mentioned in that section, be provision for the cremation of the body in accordance with the Cremation Acts, 1902 and 1952, and a certificate of the cremation.

**Short title, etc.**15 & 16 Geo. 6  
& 1 Eliz. 2. c. 28.

4.—(1) This Act may be cited as the Human Tissue Act, 1961.

(2) The Corneal Grafting Act, 1952, is hereby repealed.

(3) This Act shall come into operation at the expiration of a period of two months beginning with the day on which it is passed.

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

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## CHAPTER 55

### ARRANGEMENT OF SECTIONS

**Section**

1. Continuance of Crown Estate Commissioners, and general provisions as to their constitution and functions.
2. Reports and accounts of Commissioners.
3. General provisions as to course of management.
4. Grants for public or charitable purposes.
5. Special provisions as to particular properties.
6. Power to make regulations for land open to public.
7. Powers of Minister of Works in Regent's Park.
8. Miscellaneous provisions as to transfers of and title to property.
9. Savings, transitional provisions and repeals.
10. Short title, extent and interpretation.

**SCHEDULES:**

First Schedule—Constitution etc. of Crown Estate Commissioners.

Second Schedule—Savings and transitional provisions.

Third Schedule—Repeals.

An Act to make new provision in place of the Crown Lands Acts, 1829 to 1936, as to the powers exercisable by the Crown Estate Commissioners for the management of the Crown Estate, to transfer to the management of the Minister of Works certain land of the Crown Estate in Regent's Park and extend or clarify the powers of that Minister in Regent's Park, to amend the Forestry (Transfer of Woods) Act, 1923, as it affects the Crown Estate, to amend the law as to escheated land, and for purposes connected therewith.

[27th July, 1961]

**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 Crown Estate Commissioners (in this Act referred to as “the Commissioners”) shall continue to be a body corporate for all purposes, charged on behalf of the Crown with the function of managing and turning to account land and other property, rights and interests, and of holding such of the property, rights and interests under their management as for any reason cannot be vested in the Crown or can more conveniently be vested in the Commissioners; and the property, rights and interests under the management of the Commissioners shall continue to be known as the Crown Estate.

Continuance of Crown Estate Commissioners, and general provisions as to their constitution and functions.

(2) Subject to the provisions of this Act, the Crown Lands Acts, 1829 to 1936, shall cease to have effect, and the Commissioners shall, for the purpose of managing and improving the Crown Estate or any part of it, have authority to do on behalf of the Crown over or in relation to land or other property, rights or interests forming part of the Crown Estate, and in relation to all matters arising in the management of the Crown Estate, all such acts as belong to the Crown's rights of ownership, free from any restraint on alienation imposed on the Crown by section five of the Crown Lands Act, 1702, or by any other enactment (whether general or particular), and to execute and do in the name of Her Majesty all instruments and things proper for the effective exercise of their powers.

(3) It shall be the general duty of the Commissioners, while maintaining the Crown Estate as an estate in land (with such proportion of cash or investments as seems to them to be required for the discharge of their functions), to maintain and enhance its value and the return obtained from it, but with due regard to the requirements of good management.

(4) The Commissioners shall comply with such directions as to the discharge of their functions under this Act as may be given to them in writing by the Chancellor of the Exchequer or the Secretary of State, but the Chancellor of the Exchequer or Secretary of State in giving directions to the Commissioners under this subsection shall have regard to subsection (3) above, and before giving any such direction shall consult the Commissioners.

The Chancellor of the Exchequer and the Secretary of State shall act jointly in giving directions under this subsection, except that in matters not relating to Scotland the Chancellor of the Exchequer may act without the Secretary of State and in matters relating exclusively to Scotland the Secretary of State may act without the Chancellor of the Exchequer.

(5) The validity of transactions entered into by the Commissioners shall not be called in question on any suggestion of their not having acted in accordance with the provisions of this Act regulating the exercise of their powers, or of their having otherwise acted in excess of their authority, nor shall any person

dealing with the Commissioners be concerned to inquire as to the extent of their authority or the observance of any restrictions on the exercise of their powers.

(6) Any transaction entered into by the Commissioners in the exercise of their powers (including an acquisition for the Crown Estate) may be carried out by the same means and with the same formalities, and any deed or other instrument entered into by them shall be construed in the same manner, and shall be registrable, as if they were acting on behalf of a subject of Her Majesty:

Provided that an advowson shall not be taken to be comprised in any general words in a grant or agreement for a grant of land.

(7) The provisions of the First Schedule to this Act shall have effect with respect to the constitution and proceedings of the Commissioners and other matters relating to the Commissioners.

Reports and  
accounts of  
Commis-  
sioners.

2.—(1) As soon as may be after the end of each financial year, the Commissioners shall make to Her Majesty a report on the performance of their functions in that year, and shall lay a copy of that report before each House of Parliament.

(2) The report of the Commissioners for any financial year shall set out any directions given to the Commissioners during the year by the Chancellor of the Exchequer or Secretary of State, except any direction in the case of which the Chancellor of the Exchequer or Secretary of State has notified to the Commissioners his opinion that it should be omitted in the interests of national security.

(3) The Commissioners shall keep proper accounts and other records in relation thereto, and shall furnish the Treasury with such returns, accounts and other information about the Crown Estate and about the activities of the Commissioners, and with such estimates of future receipts and expenditure, as the Treasury may from time to time require.

(4) In their accounts the Commissioners shall distinguish between capital and income, and shall make any proper adjustments between capital account and income account (including provision, where appropriate, for recouping capital expenditure out of income), but so that—

- (a) any sum received by way of premium on the grant of a lease shall be carried to income account if the lease is for a term of thirty years or less, and to capital account, if the lease is for a term exceeding thirty years; and
- (b) the gross annual income received, and the expenses incurred, from or in connection with mining leases or the working of mines or minerals shall be carried or charged as to one half to capital account and as to one half to income account.

(5) The Commissioners shall prepare for each financial year statements of account in such form as the Treasury may direct, and shall transmit them to the Comptroller and Auditor-General not later than the end of November in the following financial year.

(6) The Comptroller and Auditor-General shall examine and certify the accounts transmitted to him under this section, and shall lay before each House of Parliament copies of the accounts, together with his report thereon.

(7) The Commissioners' financial year shall begin with the first day of April, and references to a financial year in relation to the Commissioners shall be construed accordingly.

3.—(1) Save as provided by the following provisions of this Act, the Commissioners shall not sell, lease or otherwise dispose of any land of the Crown Estate, or any right or privilege over or in relation to any such land, except for the best consideration in money or money's worth which in their opinion can reasonably be obtained, having regard to all the circumstances of the case but excluding any element of monopoly value attributable to the extent of the Crown's ownership of comparable land.

General provisions as to course of management.

(2) The Commissioners shall not grant a lease of land of the Crown Estate, or of any right or privilege over or in relation to any such land, for a term ending more than one hundred years from the date of the lease, and every such lease granted by them shall be made to take effect in possession not later than twelve months after its date or in reversion after an existing lease having at that date not more than twenty-one years to run.

(3) The Commissioners shall not, by the grant of an option or otherwise, contract to convey or create any estate or interest in, or any right or privilege over or in relation to, land of the Crown Estate at a date more than ten years after the date of the contract:

Provided that this subsection shall not apply to a contract under which the consideration to be received by the Commissioners for the conveyance or creation of the estate or interest, or of the right or privilege, is to be determined at the time it is conveyed or created, and is to be determined in such manner as, in their opinion, is calculated to secure to them the best consideration in money or money's worth which can at that date reasonably be obtained.

(4) Where moneys forming part of the Crown Estate are to be invested, they shall be invested either—

(a) in the name of the Commissioners on real, leasehold or heritable securities in the United Kingdom, but excluding the security of any lease or leasehold property where the lease has less than sixty years to run at the date of the investment ; or

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- (b) in the name of the National Debt Commissioners in any securities or other investments for the time being authorised for the investment of money paid into the Fund for the Banks for Savings.

In this subsection "heritable security" has the same meaning as in the Town and Country Planning (Scotland) Act, 1947.

(5) The powers exercisable by the Commissioners in the management of the Crown Estate shall include power to borrow money, on security or otherwise, for the purpose of discharging or redeeming incumbrances affecting any part of the Crown Estate, but not for other purposes; and subsections (1) to (3) above shall not apply in relation to any security for the principal or interest of money so borrowed (with or without any expenses of the lender or other incidental sums).

(6) Subsection (1) above shall not restrict the discretion of the Commissioners as to the parcels in which any land is to be disposed of, or as to the apportionment of the consideration for any disposition or of any part of that consideration between different parts of the land disposed of, nor their discretion to reserve any right or privilege over or in relation to any land disposed of, or to dispose of land subject to any covenants, conditions or restrictions; and in determining for the purposes of this section whether the consideration to be given by a person for any disposition is the best that can reasonably be obtained, the Commissioners (where it is appropriate to do so) may take into account as part of that consideration any benefit conferred on the Crown Estate by improvements or works executed on the land in question by him or another without cost to the Crown Estate.

(7) Subsections (1) and (2) above shall not apply to any exercise of the powers of the Commissioners for the purpose of complying with an obligation enforceable against the Crown or against the Commissioners, or for the purpose of confirming any lease or grant which is void or voidable.

(8) Where the Commissioners dispose of land subject to restrictions on the user of the land, the restrictions may, notwithstanding any enactment or rule of law relating to perpetuities, be made enforceable by a right of re-entry exercisable on behalf of Her Majesty on a breach of the restrictions occurring at any distance of time.

4.—(1) For the development, improvement or general benefit of any land of the Crown Estate, the Commissioners with the consent of Her Majesty signified under the Royal Sign Manual may dispose of land, or of a right or privilege over or in relation to land, without consideration or for such consideration as they think fit, where the land is to be used and occupied, or the right or privilege is to be enjoyed—

Grants for public or charitable purposes.

- (a) for the purposes of any public or local authority, or for the purposes of any authority or person exercising powers conferred by or under any enactment for the supply of water ; or
- (b) for the construction, enlargement, improvement or maintenance of any road, dock, sea-wall, embankment, drain, water-course or reservoir ; or
- (c) for providing, enlarging or improving a place of religious worship, residence for a minister of religion, school, library, reading room or literary or scientific institution, or any communal facilities for recreation, or the amenities of or means of access to any land or building falling within this paragraph ; or
- (d) for any other public or charitable purpose in connection with any land of the Crown Estate, or tending to the welfare of persons residing or employed on any such land.

(2) The Commissioners may, out of the income of the Crown Estate, make contributions in money for any religious or educational purpose connected with land of the Crown Estate, or for other purposes tending to the welfare of persons residing or employed on any such land.

(3) Subsection (1) of section three of this Act shall not apply to any exercise of the powers of the Commissioners under section fourteen of the New Parishes Measure, 1943 (which relates to gifts or grants of land for the sites of churches, etc.).

5.—(1) Notwithstanding anything in the foregoing provisions of this Act, it shall be the duty of the Commissioners in exercising their powers of management in relation to the Windsor Estate to aim at maintaining its present character as a Royal park and forest, and except as provided by subsection (3) below the Commissioners shall not sell or give in exchange any land forming part of the Windsor Estate.

Special provisions as to particular properties.

(2) Subsection (1) above shall not prevent the Commissioners, so far as is consistent with their duty to maintain the character of the Windsor Estate, from using any part of the Windsor Estate, or permitting it to be used, for purposes of forestry or agriculture or other purposes not prejudicial to that duty, or for the purpose of providing dwellings for persons employed in or in connection with the Windsor Estate and for purposes connected with their convenience and welfare, or from granting any lease of, or any right or privilege over or in relation to, any part of the Windsor Estate for any such purpose, or (subject to such restrictions and conditions as the Commissioners see fit to impose) from allowing the public to have access to any part of the Windsor Estate for purposes of recreation, or in connection with any agricultural or other show or exhibition or in such other cases as the Commissioners may determine.

(3) Where the Commissioners are satisfied by a certificate of the Minister of Housing and Local Government that land in Windsor Forest which forms part of the Windsor Estate is in the public interest required by any public or local authority for development, and are also satisfied that the land so required can be suitably replaced in the Windsor Estate by other land (not less in area) which is adjacent to the Windsor Estate and forms part of or can be acquired for the Crown Estate, the Commissioners may, with the consent of Her Majesty signified under the Royal Sign Manual,—

(a) sell or exchange the land so required; and

(b) by order direct that the other land shall from the date of the order (or from the date of its acquisition, if that is later) be added to the Windsor Estate;

and land sold or exchanged under this subsection shall cease to be part of Windsor Forest, and land added to the Windsor Estate under this subsection shall become part of Windsor Forest.

(4) Subject to subsection (3) above, “the Windsor Estate” means for the purposes of this section the land which at the commencement of this Act forms part of the Crown Estate and is within the area of Windsor Park and Windsor Forest; and if Her Majesty is pleased by Order in Council to declare the boundaries of the Windsor Estate as defined by this subsection, or to declare the boundary within the Windsor Estate as so defined between Windsor Park and Windsor Forest, the declaration shall be conclusive for the purposes of this Act.

(5) The foregoing provisions of this Act shall not authorise the Commissioners to sell, lease or otherwise dispose of any house which is for the time being at the disposal of Her Majesty, or any right or privilege over or in relation to any such house; and, with the consent of Her Majesty signified under the Royal Sign Manual, arrangements (by way of exchange or otherwise) may be made on such terms as the Treasury may approve for any house forming part of the Crown Estate to be, or to cease to be, at the disposal of Her Majesty.

This subsection shall apply to any garden or other ground attached to and usually occupied with a house or otherwise required for its amenity or convenience as it applies to the house.

**Power to  
make  
regulations  
for land  
open to  
public.**

6.—(1) The Commissioners may make such regulations to be observed by persons using land of the Crown Estate to which the public are for the time being allowed access as they consider necessary for securing the proper management of that land and the preservation of order and prevention of abuses on that land.

(2) While regulations under this section are in force as respects any land in Great Britain, the provisions of the Parks Regulation Act, 1872, shall apply to the land as if it were a park to which



that Act applies, but so that any reference to regulations shall be construed as referring to the regulations under this section and any reference to the Minister of Works shall be construed as referring to the Commissioners.

(3) If any person fails to comply with or acts in contravention of any regulations under this section, he shall be liable on summary conviction or, in Scotland, on conviction in a court of summary jurisdiction to a fine not exceeding five pounds.

(4) The power of the Commissioners to make regulations under this section shall be exercisable by statutory instrument, and a draft of any such statutory instrument shall be laid before Parliament.

7.—(1) The Commissioners shall cease to have the management of any part of the land in Regent's Park which at the beginning of the year nineteen hundred and sixty-one was occupied by the Zoological Society of London, and the Minister of Works shall have the like powers of management over it as if it had been included in the land transferred to the management of the Commissioners of Works and Public Buildings by section twenty-two of the Crown Lands Act, 1851.

Powers of  
Minister of  
Works in  
Regent's Park.

(2) Without prejudice to his other powers of management, the Minister of Works shall have power from time to time to grant to the Zoological Society of London, on such terms and conditions as he may with the approval of the Treasury determine, leases of all or any of the land occupied by the Society in Regent's Park at the beginning of the year nineteen hundred and sixty-one, or of neighbouring land under his management in Regent's Park up to a total (exclusive of the land so occupied) of ten acres :

Provided that every such lease shall be made to take effect in possession, and shall be for a term ending not more than sixty years from the date of the lease.

(3) All rights and obligations enforceable by or against the Commissioners under or by virtue of any lease or agreement made before the commencement of this Act with respect to any land transferred by subsection (1) above to the management of the Minister of Works, or under or by virtue of any agreement relating to either of the tunnels under the Outer Circle which connect the land in Regent's Park occupied by the Zoological Society of London, shall be enforceable by or against the Minister instead of the Commissioners.

(4) The Parks Regulation Acts, 1872 and 1926, shall not extend to any part of Regent's Park which is for the time being occupied by the Zoological Society of London.

(5) Notwithstanding the powers exercisable by any other authority in Regent's Park, the Outer Circle and all roads

within the Outer Circle, together with the road leading from the Outer Circle to Hanover Gate and with the road leading from the Outer Circle to Prince Albert Road at its junction with Avenue Road, shall be deemed to be under the management of the Minister of Works within the meaning of section one of the Parks Regulation (Amendment) Act, 1926, and any regulations made before the commencement of this Act by virtue of section two of that Act (as extended by any subsequent enactment) shall have effect accordingly.

Miscellaneous provisions as to transfers of and title to property.

8.—(1) No Order in Council shall be made after the passing of this Act under subsection (1) of section one of the Forestry (Transfer of Woods) Act, 1923, for the transfer to the appropriate Minister under paragraph (a) of that subsection of any property, rights or interests forming part of the Crown Estate, nor for the retransfer under paragraph (e) of any property, rights or interests previously transferred under paragraph (a), and the Minister's powers over land so transferred shall not be subject to any restrictions which may have applied to the land as being part of the Royal forests, parks and chases or any of them; and where after the commencement of this Act the appropriate Minister sells land previously transferred under paragraph (a) to an amount exceeding five acres at any one time, then unless the sum determined under section three of that Act on the occasion of the transfer as the amount contingently payable by way of compensation for the transfer of rights and interests of the Crown has been fully paid or satisfied,—

- (a) the net proceeds of sale or the portion necessary to satisfy that sum shall be paid by the Minister to the Commissioners, and shall form part of the Crown Estate; and
- (b) the payment shall be treated as satisfying a part of that sum equal to the gross proceeds of sale or the corresponding portion of them.

In this subsection "the appropriate Minister" means the appropriate Minister for the purposes of the Forestry Act, 1945.

(2) It is hereby declared that where, immediately before the commencement of the Law of Property Act, 1925, the property under the management of the Commissioners of Crown Lands comprised an undivided share vested in the Crown in any land in England or Wales, the transitional provisions in Part IV of the First Schedule to that Act had effect in relation thereto, notwithstanding that the effect was to vest the land in the Crown jointly with other persons as trustees.

(3) Where land escheats to Her Majesty in right of the Crown or of the Duchy of Lancaster, or to the Duke of Cornwall or Her Majesty in right of the Duchy of Cornwall, then (without

prejudice to the rights of other persons) the land shall vest accordingly and may be dealt with, and any proceedings may be taken in relation to it, without the title by escheat being found of record by inquisition or otherwise.

9.—(1) Nothing in the foregoing provisions of this Act shall affect the rights of Her Majesty or of any Minister of the Crown or Government department in respect of appointments to any office which have been customarily made otherwise than by the Commissioners. **Savings, transitional provisions and repeals.**

(2) On the coming into force of this Act so much of the Crown Estate as consists of leaseholds or other interests in land held in trust for Her Majesty by any person other than the Commissioners shall by virtue of this Act vest in the Commissioners, and that person shall take such steps as the Commissioners may reasonably require for the purpose of perfecting or evidencing their title.

(3) Notwithstanding anything in the foregoing provisions of this Act, such of the provisions of the Crown Lands Acts, 1829 to 1936, as are mentioned in Part I of the Second Schedule to this Act shall continue in force, subject to any restrictions or modifications there provided for; and the provisions of Part II of that Schedule shall have effect with respect to matters arising out of repeals made by this Act and to related matters.

(4) The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule (which includes in Part I certain enactments already obsolete or unnecessary, to the extent mentioned, apart from the provisions of this Act).

10.—(1) This Act may be cited as the Crown Estate Act, 1961. **Short title, extent and interpretation.**

(2) It is hereby declared that this Act extends to Northern Ireland.

(3) Where an enactment mentioned in Part II of the Third Schedule to this Act extends to the Isle of Man or to Alderney, the repeal of it by this Act shall also extend to the Isle of Man or to Alderney, and this Act shall extend to the Isle of Man, so far as is material to any powers or duties of the Commissioners in the Isle of Man.

(4) In this Act, "enactment" includes an enactment of the Parliament of Northern Ireland.

## Section 1.

## SCHEDULES

## FIRST SCHEDULE

## CONSTITUTION ETC. OF CROWN ESTATE COMMISSIONERS

1.—(1) There shall be such number of commissioners, not exceeding eight, as Her Majesty may from time to time determine.

(2) One of them shall be appointed as first Crown Estate Commissioner and another may, if Her Majesty sees fit, be appointed as second Crown Estate Commissioner.

(3) The first Crown Estate Commissioner shall be chairman of the Commissioners, and the second Crown Estate Commissioner, if any, deputy chairman.

(4) The commissioners shall be appointed by Her Majesty, by warrant under the Royal Sign Manual.

(5) A commissioner shall hold and vacate his office in accordance with the terms of his warrant of appointment, and on vacating his office shall be eligible for re-appointment.

(6) There shall be paid to each commissioner such salary as the Treasury may determine.

2.—(1) The Commissioners shall have an official seal, which shall be officially and judicially noticed.

(2) The Commissioners' seal shall be authenticated by the like signature as is required under sub-paragraph (3) below for documents which are to be signed on behalf of the Commissioners.

(3) Any document which is to be signed on behalf of the Commissioners shall be signed by a commissioner, or by a secretary of the office of the Commissioners, or by a person authorised by the Commissioners to act on behalf of a secretary of that office.

(4) Any document purporting to be sealed or signed in accordance with the foregoing provisions of this paragraph shall, unless the contrary is proved, be deemed to have been duly sealed or signed by or on behalf of the Commissioners without proof of the official character or handwriting of the person appearing to have authenticated the seal or signed the document.

3. The Commissioners shall have power to regulate their own procedure, and at meetings of the Commissioners the quorum shall be such as the Commissioners may from time to time determine.

4.—(1) The Commissioners may appoint, for employment in their office, such officers and servants as they may, with the approval of the Treasury as to numbers and conditions of service, determine.

(2) Where the Commissioners are empowered for the management of the Crown Estate to make appointments to the office of steward of a manor or to any other office, they may instead of

making an appointment to that office depute any person appointed under sub-paragraph (1) above, or any person employed by them in or in connection with the management of the Crown Estate, to discharge the functions of the office either generally or for a particular purpose or a particular occasion.

1ST SCH.

5. There shall continue to be paid out of moneys provided by Parliament the salaries of the commissioners and the expenses of their office, including the remuneration of persons appointed by them under sub-paragraph (1) of paragraph 4 above.

6. In relation to any order or regulations made by the Commissioners under this Act, the Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply as if in the Schedule to the Act of 1868 the Commissioners were included in the first column, and any person authorised under paragraph 2 above to sign documents on behalf of the Commissioners were mentioned in the second column.

## SECOND SCHEDULE

Section 9.

### SAVINGS AND TRANSITIONAL PROVISIONS

#### PART I

#### *Provisions of Crown Lands Acts, 1829 to 1936, continued in force*

1.—(1) The following provisions of the Crown Lands Acts, 1829 to 1936 (which provide for the management of particular properties to be transferred from one authority to another), as amended by any subsequent enactment, shall continue in force, that is to say—

- (a) sections twenty-one to twenty-three of the Crown Lands Act, 1851 (by virtue of which the Minister of Works and others have powers of management in the case of certain Royal parks and other land or buildings), together with the entry in the Schedule to that Act relating to an Act to provide for the care and preservation of Trafalgar Square in the City of Westminster ;
- (b) section thirteen of the Crown Lands Act, 1927, so far as relates to the transfer of houses and grounds in royal forests, parks and chases from the management of the Minister of Works to the management of the Commissioners ;
- (c) section nine of the Crown Lands Act, 1936, so far as relates to the transfer of certain parts of Regent's Park from the management of the Commissioners to the management of the Minister of Works ;
- (d) section seven of the Crown Lands Act, 1906 (which relates to the management of Richmond and Kew Greens by the Richmond borough council).

X\*

**2ND SCH.**

(2) The continuance in force of any enactment by sub-paragraph (1) above shall not be taken to except any other enactment from the repeal by this Act of the Crown Lands Acts, 1829 to 1936.

(3) Nothing in this Act shall affect the operation of any Order in Council made under paragraph (a) of subsection (1) of section nine of the Crown Lands Act, 1936 (which provided for the management of certain land occupied as part of the Royal Botanic Gardens, Kew).

2. There shall also continue in force the following provisions, as amended by any subsequent enactment, that is to say,—

(a) in the Crown Lands Act, 1829, sections one hundred to one hundred and five (which relate to the powers of verderers in a forest), so far as they remain applicable to the Forest of Dean; and

(b) in the Crown Lands (Scotland) Act, 1833, sections seven and eight (which relate to the registration and effect in Scotland of certain documents), as applied by section seven of the Commissioners of Works Act, 1852; and

(c) in the Crown Lands Act, 1851, section fifteen (which, subject to the Minister of Works Act, 1942, specifies the persons to be Commissioners of Works); and

(d) in the Crown Lands Act, 1894, section six (which makes general provision about the implied surrender of Crown leases by the grant of a new lease); and

(e) in the Crown Lands Act, 1906—

(i) section three (which relates to the settlement of disputed claims about foreshore between the Commissioners and the Chancellor and Council of the Duchy of Lancaster), together with the supplementary provisions in sections ten and eleven; and

(ii) so far as relates to land over which the Minister of Works exercises powers of management by virtue of section twenty-two of the Crown Lands Act, 1851, section six (which enables him to convey land for bridges to a bridge authority), but so that the references to the Crown Lands Acts, 1829 to 1894, shall be omitted and any conveyance shall be made and enrolled in like manner as on a sale under the Commissioners of Works Act, 1852.

**PART II***Miscellaneous*

3.—(1) Except as provided by sections seven and eight of this Act, this Act shall not affect any question as to the application (other wise than in the course of management of the Crown Estate or for the purpose of arrangements under subsection (5) of section five

of this Act) of any income, proceeds of sale or other moneys arising from the property, rights or interests of the Crown, or any question as to the property, rights or interests to be placed under the management of the Commissioners; and notwithstanding the repeal by this Act of section one hundred and twenty-seven of the Crown Lands Act, 1829, the possessions and land revenues of the Crown in Northern Ireland shall continue as heretofore to be inalienable except in the exercise of the powers of the Commissioners or otherwise under the authority of an Act of Parliament.

(2) The repeal by this Act of section nineteen of the Crown Lands (Scotland) Act, 1833 (which relates to the payment in Scotland of certain duties, fees, etc.), shall not affect any right of the Commissioners to demand and receive fees upon payment of duties or rents.

4.—(1) Where by virtue of any enactment repealed by this Act a reference to any person or body of persons in an enactment not so repealed, or in any other instrument or document, is to be construed as referring to the Commissioners, the repeal shall not affect the construction of that enactment, instrument or document; and for the purposes of subsection (4) of section one of the Crown Lands Act, 1927 (which provided for certain references to the Commissioners of Crown Lands or any of them to be construed as referring to those Commissioners as incorporated by that Act), and for the purposes of this sub-paragraph as it applies to that subsection, the Act and order mentioned in that subsection shall be deemed to have extended to Northern Ireland.

(2) Any regulations in force immediately before the commencement of this Act under section six of the Crown Lands Act, 1936 (which made provision similar to section six of this Act), shall after that commencement have effect as regulations under section six of this Act, and the provisions of this Act shall apply accordingly.

(3) The repeal by this Act of sections twenty-two to twenty-four of the Crown Lands Act, 1866, or of any enactment amending any of those sections shall not affect the powers exercisable under section twenty-two by virtue of any lease granted before the commencement of this Act by or on behalf of the Crown, or the obligations under those sections of any person exercising those powers.

5.—(1) For the purpose of any enactment passed before this Act and not repealed by this Act, or of any instrument having effect under any such enactment, enrolment or deposit in the Public Record Office shall take the place of enrolment or deposit in the Office of Land Revenue Records and Inrolments, and the proper officer within the meaning of the Public Records Act, 1958, shall take the place of the Keeper of Land Revenue Records and Inrolments or his deputy, but this sub-paragraph shall be without prejudice to the operation of anything done under or for the purposes of any such enactment or instrument before the commencement of this Act.

**2ND SCH.**

(2) In relation to documents executed or made before the commencement of this Act, any enactment repealed by this Act shall continue to apply in so far as it relates to the effect of enrolment or deposit in the Office of Land Revenue Records and Inrolments, or to the operation of any document evidencing or purporting to evidence enrolment or deposit in that office or the contents of documents so enrolled or deposited, but so that references to that office and to the Keeper of Land Revenue Records and Inrolments shall include references to the Public Record Office and to the proper officer within the meaning of the Public Records Act, 1958.

(3) Documents enrolled or deposited in the Public Record Office by virtue of this paragraph, and documents previously enrolled or deposited in the Office of Land Revenue Records and Inrolments, shall be treated for the purpose of the Public Records Act, 1958, as public records.

(4) The repeal by this Act of sections four, eight and nine of the Crown Lands (Scotland) Act, 1833 (which relate to the proof and effect of conveyances etc. affecting land in Scotland), shall not affect the operation or effect of deeds or instruments executed before the commencement of this Act, or the admissibility in evidence of duplicates of such deeds or instruments; and an extract or certified copy of any such duplicate issued by the Keeper of the Registers of Scotland shall be admissible in evidence in like manner as the duplicate, and notwithstanding the repeal by this Act of section five of the Crown Lands Act, 1873, shall continue to be registrable in the Books of Council and Session as before the passing of this Act.

(5) The repeal by this Act of sections seventy-one and seventy-two of the Crown Lands Act, 1829 (which relate to the proof and effect of conveyances etc. affecting land in Ireland), shall not affect the operation of deeds or instruments executed before the commencement of this Act, or the admissibility in evidence of duplicates of such deeds or instruments; and a certified copy of any such duplicate in the Public Record Office of Northern Ireland shall be admissible in evidence in like manner as the duplicate.



## THIRD SCHEDULE

Sections 9 and 10.

## REPEALS

## PART I

*Spent or Obsolete Enactments*

| Session and Chapter   | Title or Short Title                                       | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 34 Edw. 1. ...        | Ordinatio Foreste ...<br>Prerogativa Regis ...             | Cap. 5, and cap. 6 from "And moreover" onwards. In cap. 17, the words "knight's fees", "and dowers when they fall", "fees", and "and dowers".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 6 Hen. 8. c. 15.      | An Act avoiding second letters patent granted by the King. | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 20 Geo. 2. c. 50.     | The Tenures Abolition Act, 1746.                           | Sections fourteen and fifteen                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 20 Geo. 2. c. 51.     | The Sales to the Crown Act, 1746.                          | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 59 Geo. 3. c. 94.     | The Crown Land Act, 1819.                                  | The whole Act, except as respects Scotland.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 6 Geo. 4. c. 17.      | The Crown Lands Act, 1825.                                 | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 3 & 4 Will. 4. c. 99. | The Fines Act, 1833 ...                                    | Sections twelve and thirteen.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 6 & 7 Will. 4. c. 19. | The Durham (County Palatine) Act, 1836.                    | In section one, the words from "and all forfeitures" to "in right of the same", and section nine.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 6 & 7 Will. 4. c. 28. | The Government Offices Security Act, 1836.                 | In section one, the words "or of the chief commissioner of His Majesty's woods, forests, land revenues, works and buildings" and "or chief commissioner"; in section two, the words "and for such chief commissioner"; in section three, the words "the said chief commissioner"; in section five, the words "or the said chief commissioner" and "such chief commissioner"; in section seven, the words "nor the said chief commissioner"; in section eight, the words "or of such chief commissioner" and "such chief commissioner"; in section ten, the words "such chief commissioner"; and in the form of certificate in the Schedule, the words "or |

## 3RD SCH.

| Session and Chapter                | Title or Short Title                                                                                                | Extent of Repeal                                                                                                                                                                                                                                                                                                                 |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6 & 7 Will. 4. c. 28— <i>cont.</i> | The Government Offices Security Act, 1836— <i>cont.</i>                                                             | to the Chief Commissioner of His Majesty's Woods, Forests, Land Revenues, Works and Buildings".                                                                                                                                                                                                                                  |
| 6 & 7 Will. 4. c. 49.              | An Act to enable the Master of the Rolls to demise part of the Rolls Estate to the Society of Judges and Serjeants. | The whole Act.                                                                                                                                                                                                                                                                                                                   |
| 7 Will. 4. and 1 Vict. c. 46.      | The Rolls Estate Act, 1837.                                                                                         | Sections one, two and five, the Schedule and the preamble.                                                                                                                                                                                                                                                                       |
| 1 & 2 Vict. c. 61.                 | The Government Offices Security Act, 1838.                                                                          | In section one, the words "or of the said chief commissioner" and "or of such chief commissioner"; in section two, the words "and for such chief commissioner", the words "such chief commissioner," and the words "chief commissioner" in both the other places where they occur.                                               |
| 7 & 8 Vict. c. 89.                 | The Commissioners of Woods (Audit) Act, 1844.                                                                       | The whole Act.                                                                                                                                                                                                                                                                                                                   |
| 21 & 22 Vict. c. 45.               | The Durham County Palatine Act, 1858.                                                                               | Section two except the words "nothing in this Act contained shall extend to the island called Holy Island situate in that part of the County Palatine of Durham called Islandshire"; section three; in section four, the words "in the manner prescribed by the Crown Lands Act, 1829"; sections five and six; and the preamble. |
| 21 & 22 Vict. c. 72.               | The Landed Estates Court (Ireland) Act, 1858.                                                                       | In section sixty-two, the words "or apportion"; section sixty-eight from the beginning to "otherwise; and" and the words from "to purchase, with" to "made or".                                                                                                                                                                  |
| 31 & 32 Vict. c. 45.               | The Sea Fisheries Act, 1868.                                                                                        | In section forty-six, the words "but is not under the management of the Board of Trade".                                                                                                                                                                                                                                         |
| 42 & 43 Vict. c. 73.               | The Commissioners of Woods (Thames Piers) Act, 1879.                                                                | The whole Act.                                                                                                                                                                                                                                                                                                                   |

## 3RD SCHEDULE

| Session and Chapter           | Title or Short Title                                 | Extent of Repeal                                                                                                                                                                                                                                     |
|-------------------------------|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 47 & 48 Vict.<br>c. 71.       | The Intestates Estates Act, 1884.                    | Sections four, six and seven as they apply in Northern Ireland to the estates of persons dying after the beginning of January, nineteen hundred and fifty-six.                                                                                       |
| 54 & 55 Vict.<br>c. 66.       | The Local Registration of Title (Ireland) Act, 1891. | In section seventy-nine, the words from "and if" to "Board of Trade" and the words "or Board, as the case may be".                                                                                                                                   |
| 3 Edw. 7. c. 31.              | The Board of Agriculture and Fisheries Act, 1903.    | In section one, subsection (7).                                                                                                                                                                                                                      |
| 3 Edw. 7. c. 37.              | The Irish Land Act, 1903.                            | In section sixty-one, subsections (4) and (5).                                                                                                                                                                                                       |
| 13 & 14 Geo. 5.<br>c. 16.     | The Salmon and Freshwater Fisheries Act, 1923.       | In section forty-two, paragraph (b) and the word "other" in paragraph (e); in section ninety, the words from "and under" to "Trade respectively", the words "or the Board of Trade, as the case may be", and the words from "which consent onwards". |
| 15 & 16 Geo. 5.<br>c. 21.     | The Land Registration Act, 1925.                     | In section ninety-seven, in subsection (1), the words "to the Board of Trade, and", the word "also" in each place where it occurs, and the word "other" in paragraph (d).                                                                            |
| 20 & 21 Geo. 5.<br>c. 44.     | The Land Drainage Act, 1930.                         | In section seventy-seven, in subsection (1), the words "or the Board of Trade" and the words "or the Board" in paragraph (a).                                                                                                                        |
| 12, 13 & 14<br>Geo. 6. c. 74. | The Coast Protection Act, 1949.                      | Part III.                                                                                                                                                                                                                                            |

## 3RD SCH.

## PART II

*General*

| Session and Chapter       | Title or Short Title                                                                                                                                                                 | Extent of Repeal                                                                                                                                                                                                                                                        |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19 & 20 Car. 2.<br>c. 8.  | The Dean Forest Act, 1667.                                                                                                                                                           | Section six.                                                                                                                                                                                                                                                            |
| 42 Geo. 3.<br>c. 116.     | The Land Tax Redemption Act, 1802.                                                                                                                                                   | In section one hundred and thirty-one, the words from "for the surveyor general of the land revenues" to "and", where next occurring; in section one hundred and forty-six, the words "of the land revenue of the Crown, or"; and the word "respective" in both places. |
| 48 Geo. 3.<br>c. 72.      | The Dean and New Forests Act, 1808.                                                                                                                                                  | Section six.                                                                                                                                                                                                                                                            |
| 50 Geo. 3.<br>c. ccxviii. | An Act for disafforesting the forest of South, otherwise East Bere otherwise Bier, in the county of Southampton, and for inclosing the open commonable lands within the said forest. | Section thirty-four, from "and shall" onwards.                                                                                                                                                                                                                          |
| 52 Geo. 3.<br>c. 71.      | An Act for the better cultivation of navy timber in the Forest of Woolmer, in the County of Southampton.                                                                             | Section three.                                                                                                                                                                                                                                                          |
| 52 Geo. 3.<br>c. 72.      | An Act for the better cultivation of navy timber in the Forest of Alice Holt, in the County of Southampton.                                                                          | Section four.                                                                                                                                                                                                                                                           |
| 52 Geo. 3.<br>c. clxxi.   | An Act for disafforesting the forest of Parkhurst in the county of Southampton, and for inclosing the open commonable lands within the said forest.                                  | Sections thirty-nine and forty, section fifty-one from "such lands" onwards.                                                                                                                                                                                            |
| 53 Geo. 3.<br>c. 158.     | An Act for vesting in His Majesty certain parts of Windsor Forest in the County of Berks; and for inclosing the open commonable land within the said forest.                         | Sections thirty-eight to forty.                                                                                                                                                                                                                                         |
| 55 Geo. 3.<br>c. 138.     | An Act for vesting in His Majesty certain parts of the Forest of Exmoor in the Counties of Somerset and Devon; and for inclosing the said forest.                                    | Sections sixty-seven to sixty-nine.                                                                                                                                                                                                                                     |

3RD SCH.

| Session and Chapter    | Title or Short Title                                                                                                                                                                                                                                                                                      | Extent of Repeal                                                                                                                 |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| 55 Geo. 3. c. 190.     | An Act to amend an Act made in the forty-eighth year of His present Majesty, to improve the land revenue of the Crown, so far as relates to the Great Forest of Brecknock in the County of Brecknock; and for vesting in His Majesty certain parts of the said forest; and for inclosing the said forest. | Sections two to four.                                                                                                            |
| 7 Geo. 4. c. 77.       | A title which begins with the words "An Act to extend to Charing Cross" and ends with the words "to enable the Commissioners of His Majesty's Woods, Forests and Land Revenues to grant leases of the site of Carlton Palace".                                                                            | Sections seventy-seven to seventy-nine.                                                                                          |
| 10 Geo. 4. c. 50.      | The Crown Lands Act, 1829.                                                                                                                                                                                                                                                                                | The whole Act, except in so far as it is continued in force by Part I of the Second Schedule to this Act.                        |
| 1 & 2 Will. 4. c. 32.  | The Game Act, 1831.                                                                                                                                                                                                                                                                                       | In section nine, the words from "nor the powers" to "land revenues of the Crown".                                                |
| 2 & 3 Will. 4. c. 1.   | The Crown Lands Act, 1832.                                                                                                                                                                                                                                                                                | The whole Act.                                                                                                                   |
| 2 & 3 Will. 4. c. 112. | The Crown Lands (Scotland) Act, 1832.                                                                                                                                                                                                                                                                     | The whole Act.                                                                                                                   |
| 3 & 4 Will. 4. c. 69.  | The Crown Lands (Scotland) Act, 1833                                                                                                                                                                                                                                                                      | The whole Act, except in so far as sections seven and eight are continued in force by Part I of the Second Schedule to this Act. |
| 5 & 6 Will. 4. c. 58.  | The Crown Lands (Scotland) Act, 1835.                                                                                                                                                                                                                                                                     | Section one and the preamble.                                                                                                    |
| 5 & 6 Will. 4. c. 62.  | The Statutory Declarations Act, 1835.                                                                                                                                                                                                                                                                     | In section two, the words "the office of woods and forests, land revenues, works, and buildings."                                |
| 1 & 2 Vict. c. 42.     | The Dean Forest (Encroachments) Act, 1838.                                                                                                                                                                                                                                                                | Sections five and thirteen.                                                                                                      |
| 4 & 5 Vict. c. 40.     | A title which begins with the words "An Act to empower" and ends with the words "City of London".                                                                                                                                                                                                         | The whole Act.                                                                                                                   |
| 5 Vict. c. 1.          | The Crown Lands Act, 1841.                                                                                                                                                                                                                                                                                | The whole Act.                                                                                                                   |
| 5 & 6 Vict. c. 94.     | The Defence Act, 1842 ...                                                                                                                                                                                                                                                                                 | Section forty.                                                                                                                   |

## 3RD SCH.

| Session and Chapter      | Title or Short Title                                                                                                                                                    | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7 & 8 Vict.<br>c. 1.     | A title which begins with the words "An Act to enlarge" and ends with the words "City of London".                                                                       | The whole Act.                                                                                                                                                                                                                                                                                                                                                             |
| 8 & 9 Vict.<br>c. 99.    | The Crown Lands Act, 1845.                                                                                                                                              | The whole Act.                                                                                                                                                                                                                                                                                                                                                             |
| 11 & 12 Vict.<br>c. 102. | The Crown Lands Act, 1848.                                                                                                                                              | The whole Act, so far as unrepealed.                                                                                                                                                                                                                                                                                                                                       |
| 14 & 15 Vict.<br>c. 42.  | The Crown Lands Act, 1851.                                                                                                                                              | The whole Act, except sections fifteen, twenty-one, twenty-two and twenty-three and the entry in the Schedule relating to the Act 7 & 8 Victoria c. 60; in section twenty-two, the words "or First Commissioner", wherever occurring, the words "except as hereinafter provided", in both places, the words "of Woods or" and the words from "as the case may be" onwards. |
| 14 & 15 Vict.<br>c. 43.  | An Act for disafforesting the Forest of Hainault in the County of Essex.                                                                                                | Section twelve.                                                                                                                                                                                                                                                                                                                                                            |
| 14 & 15 Vict.<br>c. 46.  | The Crown Lands (Copies) Act, 1851.                                                                                                                                     | The whole Act, so far as unrepealed.                                                                                                                                                                                                                                                                                                                                       |
| 14 & 15 Vict.<br>c. 76.  | The New Forest Act, 1851.                                                                                                                                               | Section eight.                                                                                                                                                                                                                                                                                                                                                             |
| 15 & 16 Vict.<br>c. 62.  | The Crown Lands Act, 1852.                                                                                                                                              | The whole Act.                                                                                                                                                                                                                                                                                                                                                             |
| 16 & 17 Vict.<br>c. 36.  | The Whichwood Disafforesting Act, 1853.                                                                                                                                 | Section twenty-nine from "and it shall be lawful" onwards.                                                                                                                                                                                                                                                                                                                 |
| 16 & 17 Vict.<br>c. 42.  | The Whittlewood Disafforesting Act, 1853.                                                                                                                               | Section twenty from "and it shall be lawful" onwards.                                                                                                                                                                                                                                                                                                                      |
| 16 & 17 Vict.<br>c. 56.  | The Crown Lands Act, 1853.                                                                                                                                              | Sections five to eight and the preamble.                                                                                                                                                                                                                                                                                                                                   |
| 18 & 19 Vict.<br>c. 16.  | The Crown Lands Act, 1855.                                                                                                                                              | The whole Act.                                                                                                                                                                                                                                                                                                                                                             |
| 18 & 19 Vict.<br>c. 46.  | An Act for disafforesting the Forest of Woolmer.                                                                                                                        | Section fourteen.                                                                                                                                                                                                                                                                                                                                                          |
| 19 & 20 Vict.<br>c. 13.  | An Act to make provision for the management of certain lands belonging to Her Majesty within the former limits of the late Forest of Delamere in the County of Chester. | The whole Act.                                                                                                                                                                                                                                                                                                                                                             |
| 29 & 30 Vict.<br>c. 62.  | The Crown Lands Act, 1866.                                                                                                                                              | The whole Act, so far as unrepealed.                                                                                                                                                                                                                                                                                                                                       |

## 3RD SCH.

| Session and Chapter    | Title or Short Title                                                                                                                                                                                                                                                              | Extent of Repeal                                                                                                                                                                                                                            |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 29 & 30 Vict. c. 70.   | An Act to extend the provisions for the inclosure, exchange and improvement of land in certain portions of the Forest of Dean called Walmore Common and the Bearce Common, and for authorizing allotments in lieu of the forestal rights of Her Majesty in and over such commons. | Section three.                                                                                                                                                                                                                              |
| 36 & 37 Vict. c. 36.   | The Crown Lands Act, 1873.                                                                                                                                                                                                                                                        | The whole Act, so far as unrepealed.                                                                                                                                                                                                        |
| 47 & 48 Vict. c. 54.   | The Yorkshire Registries Act, 1884.                                                                                                                                                                                                                                               | Section thirty, except as respects assurances executed or made before the commencement of this Act.                                                                                                                                         |
| 48 & 49 Vict. c. 79.   | The Crown Lands Act, 1885.                                                                                                                                                                                                                                                        | The whole Act, so far as unrepealed.                                                                                                                                                                                                        |
| 50 & 51 Vict. c. 53.   | The Escheat (Procedure) Act, 1887.                                                                                                                                                                                                                                                | In section two, in subsection (1), the words from "inquiries" to "or the holding of", and subsection (3).                                                                                                                                   |
| 54 & 55 Vict. c. 66.   | The Local Registration of Title (Ireland) Act, 1891.                                                                                                                                                                                                                              | In section seventy-eight, in subsection (3), the words "in the office of Land Revenue Records and Enrolments", except as respects registrations made before the commencement of this Act.                                                   |
| 55 & 56 Vict. c. 43.   | The Military Lands Act, 1892.                                                                                                                                                                                                                                                     | In section ten, subsection (1) to the word "Crown", but without prejudice to the operation of subsection (2); in section twenty-four, the words from the first "or" to the second "Forest"; section twenty-seven, to the word "afore-said". |
| 57 & 58 Vict. c. 43.   | The Crown Lands Act, 1894.                                                                                                                                                                                                                                                        | The whole Act, except section six.                                                                                                                                                                                                          |
| 2 Edw. 7. c. 37.       | The Osborne Estate Act, 1902.                                                                                                                                                                                                                                                     | In section one, subsection (3) to the word "but".                                                                                                                                                                                           |
| 6 Edw. 7. c. 28.       | The Crown Lands Act, 1906.                                                                                                                                                                                                                                                        | Sections five and eight.                                                                                                                                                                                                                    |
| 8 Edw. 7. c. 36.       | The Small Holdings and Allotments Act, 1908.                                                                                                                                                                                                                                      | In section forty, in subsection (2), the words from "in" where that word first occurs to "Treasury".                                                                                                                                        |
| 13 & 14 Geo. 5. c. 21. | The Forestry (Transfer of Woods) Act, 1923.                                                                                                                                                                                                                                       | In subsection (1) of section one the words "Commissioners of Woods or other" and paragraph (a).                                                                                                                                             |

## 3RD SCH.

| Session and Chapter                  | Title or Short Title                                       | Extent of Repeal                                                                                                                                                                                                    |
|--------------------------------------|------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 17 & 18 Geo. 5.<br>c. 23.            | The Crown Lands Act, 1927.                                 | The whole Act, except section thirteen; and in section thirteen, paragraph (a) of subsection (1) and subsections (2) and (3).                                                                                       |
| 17 & 18 Geo. 5.<br>c. 36.            | The Landlord and Tenant Act, 1927.                         | In the Second Schedule, in Part I, sub-paragraph (b) of paragraph 1.                                                                                                                                                |
| 26 Geo. 5 and<br>1 Edw. 8.<br>c. 47. | The Crown Lands Act, 1936.                                 | Sections six to eight; in section nine, paragraph (a) of subsection (1), and in subsection (3) the words "of the Royal Botanic Gardens, Kew, or" and the words "as the case may be"; subsection (3) of section ten. |
| 1 Edw. 8. and<br>1 Geo. 6.<br>c. 35. | The Statutory Salaries Act, 1937.                          | In section two, in subsection (1), the words "of the Commissioners of Crown Lands".                                                                                                                                 |
| 8 & 9 Geo. 6.<br>c. 12.              | The Northern Ireland (Miscellaneous Provisions) Act, 1945. | Section ten.                                                                                                                                                                                                        |
| 11 & 12 Geo. 6.<br>c. 63.            | The Agricultural Holdings Act, 1948.                       | In section eighty-seven, subsection (3).                                                                                                                                                                            |
| 12, 13 & 14<br>Geo. 6. c. 75.        | The Agricultural Holdings (Scotland) Act, 1949.            | In section eighty-six, subsection (3).                                                                                                                                                                              |
| 2 & 3 Eliz. 2.<br>c. 56.             | The Landlord and Tenant Act, 1954.                         | In the Eighth Schedule, paragraph 3.                                                                                                                                                                                |
| 4 & 5 Eliz. 2.<br>c. 73.             | The Crown Estate Act, 1956.                                | The whole Act.                                                                                                                                                                                                      |
| 6 & 7 Eliz. 2.<br>c. 63.             | The Park Lane Improvement Act, 1958.                       | In section sixteen, in subsection (4), the words from "and the Crown Lands Acts" to "accordingly".                                                                                                                  |



Table of Statutes referred to in this Act.

| Short Title                                           | Session and Chapter          |
|-------------------------------------------------------|------------------------------|
| Crown Lands Act, 1702 ... ..                          | 1 Ann. c. 1.                 |
| Crown Lands Act, 1829 ... ..                          | 10 Geo. 4. c. 50.            |
| Crown Lands (Scotland) Act, 1833 ... ..               | 3 & 4 Will. 4. c. 69.        |
| Crown Lands Act, 1851 ... ..                          | 14 & 15 Vict. c. 42.         |
| Commissioners of Works Act, 1852 ... ..               | 15 & 16 Vict. c. 28.         |
| Crown Lands Act, 1866 ... ..                          | 29 & 30 Vict. c. 62.         |
| Documentary Evidence Act, 1868 ... ..                 | 31 & 32 Vict. c. 37.         |
| Parks Regulation Act, 1872 ... ..                     | 35 & 36 Vict. c. 15.         |
| Crown Lands Act, 1873 ... ..                          | 36 & 37 Vict. c. 36.         |
| Documentary Evidence Act, 1882 ... ..                 | 45 & 46 Vict. c. 9.          |
| Crown Lands Act, 1894 ... ..                          | 57 & 58 Vict. c. 43.         |
| Crown Lands Act, 1906 ... ..                          | 6 Edw. 7. c. 28.             |
| Forestry (Transfer of Woods) Act, 1923 ... ..         | 13 & 14 Geo. 5. c. 21.       |
| Law of Property Act, 1925 ... ..                      | 15 & 16 Geo. 5. c. 20.       |
| Parks Regulation (Amendment) Act, 1926 ... ..         | 16 & 17 Geo. 5. c. 36.       |
| Crown Lands Act, 1927 ... ..                          | 17 & 18 Geo. 5. c. 23.       |
| Crown Lands Act, 1936 ... ..                          | 26 Geo. 5 & 1 Edw. 8. c. 47. |
| Minister of Works Act, 1942 ... ..                    | 5 & 6 Geo. 6. c. 23.         |
| New Parishes Measure, 1943 ... ..                     | 6 & 7 Geo. 6. No. 1.         |
| Forestry Act, 1945 ... ..                             | 8 & 9 Geo. 6. c. 35.         |
| Town and Country Planning (Scotland) Act, 1947 ... .. | 10 & 11 Geo. 6. c. 53.       |
| Public Records Act, 1958 ... ..                       | 6 & 7 Eliz. 2. c. 51.        |

**CHAPTER 56**

An Act to extend to Scotland sections one and three of the Hire-Purchase Act, 1938.

[27th July, 1961]

**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) Sections one and three of the Act of 1938, in so far as they relate to credit-sale agreements, shall extend to Scotland.

*Extension to Scotland of ss. 1 and 3 of the Hire-Purchase Act, 1938.*

(2) Subsection (1) of section twenty-one of the Act of 1938 (which contains interpretation provisions) shall also extend to Scotland in so far as it relates to the said sections one and three in their application to credit-sale agreements.

(3) In this section the expression "the Act of 1938" means the Hire-Purchase Act, 1938, as amended by subsection (1) of section one of the Hire-Purchase Act, 1954.

*1 & 2 Geo. 6. c. 53. 2 & 3 Eliz. 2. c. 51.*

2.—(1) This Act may be cited as the Credit-Sale Agreements (Scotland) Act, 1961.

*Short title, commencement, application and extent.*

(2) This Act shall come into operation on the expiration of the period of one month commencing with the date on which it is passed, and shall not apply to any agreement made before this Act comes into operation.

(3) This Act shall extend to Scotland only.

**CHAPTER 57***Trusts (Scotland) Act, 1961*

## ARRANGEMENT OF SECTIONS

## Section

1. Jurisdiction of court in relation to variation of trust purposes.
2. Validity of certain transactions by trustees.
3. Definition of "judicial factor" in Act of 1921.
4. Power of trustees to acquire interests in residential accommodation for use of beneficiaries.
5. Accumulations of income.
6. Interpretation.
7. Short title, citation, application and commencement.

**An Act to amend the law of Scotland relating to trusts.**  
[27th July, 1961]

**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:—

**Jurisdiction of court in relation to variation of trust purposes.**

**1.—(1)** In relation to any trust taking effect, whether before or after the commencement of this Act, under any will, settlement or other disposition, the court may if it thinks fit, on the petition of the trustees or any of the beneficiaries, approve on behalf of—

- (a) any of the beneficiaries who by reason of nonage or other incapacity is incapable of assenting, or
- (b) any person (whether ascertained or not) who may become one of the beneficiaries as being at a future date or on the happening of a future event a person of any specified description or a member of any specified class of persons, so however that this paragraph shall not include any person who is capable of assenting and would be of that description, or a member of that class, as the case may be, if the said date had fallen or the said event had happened at the date of the presentation of the petition to the court, or
- (c) any person unborn,

any arrangement (by whomsoever proposed, and whether or not there is any other person beneficially interested who is capable of assenting thereto) varying or revoking all or any of the trust purposes or enlarging the powers of the trustees of managing or administering the trust estate:

Provided that the court shall not approve an arrangement under this subsection on behalf of any person unless it is of the opinion that the carrying out thereof would not be prejudicial to that person.

(2) For the purposes of the foregoing subsection a person who is over the age of pupillarity but has not attained the age of twenty-one years (whether acting with the concurrence of a

curator, administrator-at-law, or other guardian or not) shall be deemed to be incapable of assenting; but before approving an arrangement under that subsection on behalf of any such person the court shall take such account as it thinks appropriate of his attitude to the arrangement.

(3) Where the court has approved an arrangement on behalf of any person under subsection (1) of this section, or that subsection as extended by the last foregoing subsection, the arrangement shall not be reducible by that person on grounds of minority and lesion.

(4) Where under any trust such as is mentioned in subsection (1) of this section a trust purpose entitles any of the beneficiaries (in this subsection referred to as "the alimentary beneficiary") to an alimentary liferent of, or any alimentary income from, the trust estate or any part thereof, the court may if it thinks fit, on the petition of the trustees or any of the beneficiaries, authorise any arrangement varying or revoking that trust purpose and making new provision in lieu thereof, including, if the court thinks fit, new provision for the disposal of the fee or capital of the trust estate or, as the case may be, of such part thereof as was burdened with the liferent or the payment of the income:

Provided that the court shall not authorise an arrangement under this subsection unless—

- (a) it considers that the carrying out of the arrangement would be reasonable, having regard to the income of the alimentary beneficiary from all sources, and to such other factors, if any, as the court considers material, and
- (b) the arrangement is approved by the alimentary beneficiary, or, where the alimentary beneficiary is a person on whose behalf the court is empowered by subsection (1) of this section or that subsection as extended by subsection (2) of this section to approve the arrangement, the arrangement is so approved by the court under that subsection.

(5) Nothing in the foregoing provisions of this section shall be taken to limit or restrict any power possessed by the court apart from this section under any Act of Parliament or rule of law.

(6) In this section the expression "beneficiary" in relation to a trust includes any person having, directly or indirectly, an interest, whether vested or contingent, under the trust.

2.—(1) Where, after the commencement of this Act, the trustees under any trust enter into a transaction with any person (in this section referred to as "the second party"), being a transaction under which the trustees purport to do in relation to

Validity of certain transactions by trustees.

the trust estate or any part thereof an act of any of the descriptions specified in paragraphs (a) to (ee) of subsection (1) of section four of the Act of 1921 (which empowers trustees to do certain acts where such acts are not at variance with the terms or purposes of the trust) the validity of the transaction and of any title acquired by the second party under the transaction shall not be challengeable by the second party or any other person on the ground that the act in question is at variance with the terms or purposes of the trust :

Provided that in relation to a transaction entered into by trustees who are acting under the supervision of the Accountant of Court this section shall have effect only if the said Accountant consents to the transaction.

(2) Nothing in this section shall affect any question of liability or otherwise between any of the trustees on the one hand and any co-trustee or any of the beneficiaries on the other hand.

Definition of "judicial factor" in Act of 1921.

3. Section two of the Act of 1921 shall have effect as if for the definition therein of "judicial factor" there were substituted the following definition:—

" 'Judicial factor' shall mean any person holding a judicial appointment as a factor or curator on another person's estate."

Power of trustees to acquire interests in residential accommodation for use of beneficiaries.

4. Section four of the Act of 1921 (which empowers trustees to do certain acts where such acts are not at variance with the terms or purposes of the trust) shall have effect as if in subsection (1) thereof, after paragraph (e), there were inserted the following paragraph:—

" (ee) To acquire with funds of the trust estate any interest in residential accommodation (whether in Scotland or elsewhere) reasonably required to enable the trustees to provide a suitable residence for occupation by any of the beneficiaries."

Accumulations of income. 39 & 40 Geo. 3. c. 98.

5.—(1) The following provisions of this section shall have effect in substitution for the provisions of the Accumulations Act, 1800, and that Act is hereby repealed.

(2) No person may by any will, settlement or other disposition dispose of any property in such manner that the income thereof shall be wholly or partially accumulated for any longer period than one of the following, that is to say—

- (a) the life of the grantor ; or
- (b) a term of twenty-one years from the death of the grantor ;  
or
- (c) the duration of the minority or respective minorities of any person or persons living or in utero at the death of the grantor ; or

(d) the duration of the minority or respective minorities of any person or persons who, under the terms of the will, settlement or other disposition directing the accumulation, would for the time being, if of full age, be entitled to the income directed to be accumulated.

(3) In every case where any accumulation is directed otherwise than as aforesaid, the direction shall, save as hereinafter provided, be void, and the income directed to be accumulated shall, so long as the same is directed to be accumulated contrary to this section, go to and be received by the person or persons who would have been entitled thereto if such accumulation had not been directed.

(4) For avoidance of doubt it is hereby declared that, in the case of a settlement or other disposition inter vivos, a direction to accumulate income during a period specified in paragraph (d) of subsection (2) of this section shall not be void, nor shall the accumulation of the income be contrary to this section, solely by reason of the fact that the period begins during the life of the grantor and ends after his death.

(5) The restrictions imposed by this section apply to wills, settlements and other dispositions made on or after the twenty-eighth day of July, eighteen hundred, but, in the case of wills, only where the testator was living and of testamentary capacity after the end of one year from that date.

(6) In this section "minority" in relation to any person means the period beginning with the birth of the person and ending with his attainment of the age of twenty-one years, and "grantor" includes settlor and, in relation to a will, the testator.

6.—(1) In this Act, unless the context otherwise requires,— **Interpretation.**

"Act of 1921" means the Trusts (Scotland) Act, 1921; 11 & 12 Geo. 5.

"the court" means the Court of Session; and c. 58.

"trust" and "trustee" have the same meanings respectively as in the Act of 1921.

(2) Unless the context otherwise requires references in this Act to any other Act are references to that Act as amended, modified or extended by any Act including this Act.

7.—(1) This Act may be cited as the Trusts (Scotland) Act, 1961, and this Act and the Act of 1921 may be cited together as the Trusts (Scotland) Acts, 1921 and 1961. **Short title, citation, application and commencement.**

(2) This Act shall apply to trusts which have come into operation before, as well as to trusts coming into operation after, the commencement of this Act.

(3) This Act shall come into operation on the expiration of the period of one month beginning with the date of the passing thereof.

**CHAPTER 58***Crofters (Scotland) Act, 1961*

## ARRANGEMENT OF SECTIONS

## Section

1. Increase in membership of Crofters Commission.
2. Provisions as to new crofts and enlarged crofts and common grazings.
3. Commission to maintain Register of Crofts.
4. Determination of questions by Land Court.
5. Permanent improvements made on crofts for purposes of subsidiary or auxiliary occupations.
6. Assessment of compensation for improvements.
7. Amendment of law with respect to absentee crofters and provisions regarding conveyance of dwelling-house to certain crofters.
8. Reorganisation schemes.
9. Putting into effect of reorganisation schemes.
10. Repeal of s. 21 of Act of 1955.
11. Subletting of crofts.
12. Special provisions regarding subletting of crofts not adequately used.
13. Miscellaneous provisions regarding subleases of crofts.
14. Amendment of powers of Secretary of State with respect to giving of financial assistance in crofting counties.
15. Amendment of law with respect to common grazings.
16. Financial provisions.
17. Interpretation.
18. Amendments and repeals.
19. Citation and commencement.

## SCHEDULES:

First Schedule—Amendments of the Act of 1955.

Second Schedule—Confirmation and Validity of Reorganisation Schemes.

Third Schedule—Provisions of the Act of 1955 repealed.

**An Act to make fresh provision with respect to the reorganisation, development and regulation of crofting in the crofting counties of Scotland; to authorise the making of grants and loans for the development of agricultural production on crofts and on holdings comparable in value and extent to crofts; and for purposes connected with the matters aforesaid.**

[27th July, 1961]

**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 in membership of Crofters Commission.**

1. Subsection (3) of section one of the Act of 1955 (which provides amongst other things that the Commission shall consist of not more than six members) shall have effect as if the word "nine" were substituted for the word "six".

- 2.—(1) The landlord and the tenant of any holding which—
- (a) is situated in the crofting counties but is not a croft, and
  - (b) is either a holding of which the area does not exceed seventy-five acres (exclusive of any common pasture or grazing held therewith) or a holding of which the annual rent does not exceed fifty pounds,

Provisions as to new crofts and enlarged crofts and common grazings.

may apply jointly to the Secretary of State for a direction that the holding shall be a croft, and the Secretary of State may, if he thinks fit, make the direction applied for and, if he makes such direction, then as from the date of the direction the holding shall be a croft and the Act of 1955 and this Act shall apply thereto accordingly.

(2) Where the owner of any land which is not itself a croft and which does not form part of a croft agrees to grant a tenancy of such land to any crofter, then—

- (a) except in such a case as is mentioned in paragraph (b) of this subsection, if the owner of the said land and the crofter agree that such land will form part of any croft of which the crofter is tenant, the land shall, as from the date of entry under the said tenancy, form part of such croft, and the Act of 1955 and this Act shall apply accordingly to the croft as so enlarged ;
- (b) in a case where the area of the croft (exclusive of any common pasture or grazing held therewith) together with the area of the land exceeds seventy-five acres and the rent of the croft together with the rent under the said tenancy exceeds fifty pounds, the Secretary of State may, on an application in that behalf made to him jointly by the owner of the land and the crofter, direct that the land shall form part of the croft and, if he makes such direction, then as from the date of the direction or the date of entry under the said tenancy, whichever is the later, the land shall form part of the croft, and the Act of 1955 and this Act shall apply accordingly to the croft as so enlarged.

(3) Where any such land as is mentioned in paragraph (a) of subsection (3) of section eight of this Act is included in a reorganisation scheme made under that section and confirmed by the Secretary of State, then as from the date on which the scheme is put into effect the Act of 1955 and this Act shall apply to such land.

(4) Where the owner of any land to which the Act of 1955 and this Act do not apply agrees to grant rights in any pasture or grazing land to the crofters sharing in any common grazing and the said owner and crofters agree that such land will form part of the said common grazing, then as from the date on which such rights are first exercisable by the crofters, the land shall

form part of the common grazing, and the said Acts shall apply accordingly to the common grazing as so enlarged.

(5) The Secretary of State shall give notice to the Commission of any direction given by him under subsection (1) or (2) of this section, and the owner of any land which becomes part of a croft or of a common grazing by virtue of paragraph (a) of subsection (2) of this section or, as the case may be, the last foregoing subsection, shall give notice to the Commission of the enlargement of such croft or common grazing.

(6) In the application to the crofting counties of section four of the Small Landholders and Agricultural Holdings (Scotland) Act, 1931 (which amongst other things confers power on the Land Court in certain circumstances to cancel the registration of a person as a crofter) the words from "and where a person" to the end of the section shall cease to have effect, and section four of the Act of 1955 (which relates to the registration of crofters) shall also cease to have effect.

(7) Any reference in the Landholders Acts to the registration of the tenant of any holding as a crofter shall, in the application of those Acts to the crofting counties, be construed as a reference to the giving by the Secretary of State of a direction under subsection (1) of this section that the holding shall be a croft.

**Commission to maintain Register of Crofts.**

3.—(1) It shall be the duty of the Commission to compile and maintain a register of crofts (in this Act referred to as "the Register of Crofts").

(2) There shall be entered in the Register of Crofts—

- (a) the name, location, rent and extent of every croft ;
- (b) the name of the tenant and of the landlord of each croft ; and
- (c) such other matters relating to each croft as the Commission may, with the approval of the Secretary of State, decide are proper to be entered in the Register ;

and the Commission shall from time to time insert new entries in the Register or alter or omit existing entries so far as may be necessary to ensure the accuracy of the Register and shall send a copy of any new entry inserted by them after the commencement of this Act, or of any entry altered by them after such commencement, to the landlord and the tenant of the croft concerned, and shall intimate the omission of any entry to the owner and the tenant (if any) of the land concerned.

(3) The Commission shall, on a request for an extract of any entry in the Register of Crofts being made to them by a person who, in their opinion, has good reason for desiring an extract of the said entry, furnish that person with such extract certified by the person for the time being acting as secretary to the Commission ; and a document purporting to be an extract of an



entry in the Register and to be certified as aforesaid shall be sufficient evidence that the Register contains such an entry.

(4) Subsections (2) to (4) of section fifteen of the Act of 1955 (which relate to the compilation by the Commission of a register of crofts) shall cease to have effect, but the register of crofts compiled by the Commission under the said subsection (2) shall, so far as it contains particulars which are required by or under subsection (2) of this section to be entered in the Register of Crofts, be deemed to have been compiled by the Commission in pursuance of subsection (1) of this section.

4.—(1) Without prejudice to any jurisdiction exercisable by them under any enactment, the Land Court shall have power to determine, either on the application of any person having an interest or on a reference made to them by the Commission, any question of fact or law arising under the Act of 1955 or this Act, whether such question arises before or after the commencement of this Act, and including, without prejudice to the said generality,—

Determination  
of questions by  
Land Court.

- (a) the question whether any holding is a croft ;
- (b) the question who is the tenant of any croft ;
- (c) any question as to the boundaries of a croft or of any pasture or grazing land a right in which forms part of a croft ;
- (d) the question whether any land is or forms part of a common pasture or grazing to which the Act of 1955 and this Act apply :

Provided that the Land Court shall not have power under this subsection to determine—

- (i) any question of a kind reserved by the Act of 1955 or this Act to a court other than the Land Court ; or
- (ii) any question (other than a question of law) decided by the Secretary of State or the Commission in the discharge of any of his or their functions under the Act of 1955 or this Act.

(2) The Land Court shall cause intimation to be made to the Commission of their determination on any question coming before them under the Landholders Acts (in their application to the crofting counties) or the Act of 1955 or this Act.

(3) So much of subsection (2) of section twenty-five of the Act of 1911 as provides for the stating by the Land Court of a special case for the opinion of the Court of Session on any question of law arising in proceedings in the Land Court under the Landholders Acts shall apply in relation to proceedings in the Land Court under any other enactment as it applies in relation to the first-mentioned proceedings.

(4) Subsection (2) of section thirty-four of the Act of 1955 (which provides for the stating by the Commission of a case for the opinion of the sheriff on questions of law arising in certain circumstances) shall cease to have effect.

Permanent improvements made on crofts for purposes of subsidiary or auxiliary occupations.

5.—(1) A crofter may erect any buildings or other structures, or execute any works, on his croft which—

- (a) are reasonably required to enable him to make use of the croft for any subsidiary or auxiliary occupation in accordance with paragraph 3 of the Second Schedule to the Act of 1955, and
- (b) will not interfere substantially with the use of the croft as an agricultural subject.

(2) Any buildings or other structures erected, or any works executed, under the foregoing subsection on any croft shall, if in the case of any such buildings or structures they are fixtures on the land, be permanent improvements on that croft and shall be deemed to be suitable to the croft for the purposes of paragraph (a) of subsection (1) of section fourteen of the Act of 1955.

(3) The provisions of the last foregoing subsection shall apply in relation to buildings or other structures erected, or works executed, on any croft before the commencement of this Act if such buildings, structures or works could have been erected or executed under subsection (1) of this section had the said subsection (1) then been in force:

Provided that nothing in this subsection shall authorise the payment of compensation under section fourteen of the Act of 1955 in respect of any such buildings, structures or works as are mentioned in this subsection where the crofter has renounced his tenancy or has been removed from his croft before the commencement of this Act.

Assessment of compensation for improvements.

6.—(1) The amount of any compensation payable under subsection (1) of section fourteen of the Act of 1955 to a crofter who renounces his tenancy or is removed from his croft after the commencement of this Act in respect of a permanent improvement on his croft shall be a sum equal to—

- (a) the value of that improvement as at the date when the crofter renounced his tenancy or was removed from the croft, as the case may be, calculated in accordance with the provisions of the next following subsection, less
- (b) the value of any assistance or consideration which may be proved to have been given by the landlord of the croft or any of his predecessors in title in respect of the improvement.

(2) For the purposes of the foregoing subsection, the value of an improvement on any croft shall be taken to be the amount,

if any, which, having regard to the location of the croft and any other circumstances which might affect the demand for the tenancy thereof, the landlord might reasonably be expected to receive in respect of the improvement from a person who might reasonably be expected to obtain the tenancy of the croft if the croft were offered on the open market for letting as a separate croft with entry on the date referred to in paragraph (a) of the foregoing subsection.

(3) Where compensation falls to be assessed under the two foregoing subsections in respect of any permanent improvement on a croft and the amount of such compensation is fixed or assessed by the Land Court under subsection (8) of section fourteen of the Act of 1955 or paragraph (a) of subsection (9) of section nineteen of that Act or paragraph (a) of subsection (3) of section nine of this Act, then if the crofter is qualified as mentioned in the next following subsection he may request the Land Court to determine the amount which would have been payable by way of compensation in respect of that improvement if this Act had not been passed, and if the amount last mentioned is greater than the amount fixed or assessed by the Land Court as aforesaid, the difference between the two said amounts shall be payable to the crofter by the Secretary of State:

Provided that—

(a) the Secretary of State shall be entitled to set off any amount due to him by the crofter in respect of a loan made under subsection (2) or (3) of section twenty-two of the Act of 1955 or subsection (7) of section seven or section nine of the Act of 1911 against any sum payable to the crofter by the Secretary of State under this subsection; and

(b) this subsection shall not apply where compensation in respect of the improvement in question has on a previous occasion fallen to be assessed under the two foregoing subsections.

(4) The reference in the last foregoing subsection to a crofter who is qualified is a reference to a crofter—

(a) whose tenancy of the croft in question began before the commencement of this Act, or

(b) who holds the tenancy of such croft as statutory successor to his immediate predecessor in the tenancy and each of whose predecessors (being in each case a person whose tenancy of the croft began after the commencement of this Act) held such tenancy as statutory successor to his immediate predecessor.

(5) The Act of 1955 shall have effect subject to the amendments specified in Part I of the First Schedule to this Act, being

amendments consequential on the foregoing provisions of this section.

(6) Subsections (4) and (5) of section fourteen of the Act of 1955 (which relate to the assessment of compensation for improvements) shall cease to have effect, except in relation to the assessment of compensation in respect of permanent improvements which has become payable by reason of the termination of the tenancy of a croft occurring before the commencement of this Act, or the renunciation of his tenancy by a cottar, or the removal of a cottar from his subject, before such commencement.

**Amendment of law with respect to absentee crofters and provisions regarding conveyance of dwelling-house to certain crofters.**

**7.—(1)** Subsection (1) of section seventeen of the Act of 1955 (which relates to absentee crofters and treats as an absentee crofter a crofter who is not ordinarily resident on, or within two miles of, his croft) shall have effect as if for the words “two miles” there were substituted the words “ten miles”.

(2) Where an order terminating the tenancy of a crofter has been made under the said subsection (1) such crofter shall be entitled, subject to the provisions of that section, to obtain a conveyance in feu of the dwelling-house and other pertinents on the croft as mentioned in subsection (4) of that section notwithstanding that the Commission have not been satisfied that the dwelling-house will not be required after the termination of the tenancy in connection with any future occupation of the croft; and accordingly the said subsection (4) shall have effect as if paragraph (b) thereof were omitted.

(3) The feu duty payable in respect of any dwelling-house and pertinents of which a conveyance in feu is granted in pursuance of the said section seventeen shall, failing agreement between the crofter and the landlord, be such sum as may be determined by the Land Court to be reasonable, and accordingly in subsection (4) of that section for the words “by the Commission to be reasonable” there shall be substituted the words “to be reasonable, in the case of feu duty, by the Land Court, and in any other case, by the Commission”.

(4) A conveyance in feu of the dwelling-house and other pertinents on a croft granted in pursuance of the said section seventeen to the crofter by or on behalf of his landlord shall, if the landlord so requires, contain a clause conferring on the superior a right of pre-emption of the subjects conveyed on the first occasion occurring after the grant of the conveyance when the subjects are offered for sale.

(5) The Commission shall, on being so requested by a crofter, act on behalf of such crofter in any matter connected with the grant to him in pursuance of the said section seventeen of a conveyance in feu of the dwelling-house and other pertinents on the croft and the recording of such conveyance in the Register of Sasines.

(6) Any expenses incurred by the Commission in complying with a request made to them by a crofter under the last foregoing subsection or in preparing and recording a conveyance as mentioned in subsection (5) of the said section seventeen shall be borne by the Commission and shall not be recoverable by them from any other person.

**8.—(1) Where in relation to any township the Commission—** Reorganisation schemes.

- (a) either of their own accord or on representations made to them by a crofter who is the tenant of a croft situated in the said township or by the landlord of such a croft or by a grazings committee appointed under section twenty-four of the Act of 1955 in respect of common grazings shared in by any such crofter, and
- (b) after such consultation as is reasonably practicable with the tenants and the landlords of crofts situated in the township and with any grazings committee appointed as aforesaid, and
- (c) after making such inquiries as they think fit,

are satisfied that the township ought to be reorganised in order to secure the preservation or the better development thereof, they may prepare a draft of a scheme (in this Act referred to as a “reorganisation scheme”) for the reorganisation of the township.

(2) A reorganisation scheme shall provide for the re-allocation of the land in the township in such manner as is, in the opinion of the Commission, most conducive to the proper and efficient use of that land and to the general benefit of the township, so, however, that under the scheme every crofter who is the tenant of a croft situated in the township and who so wishes shall be granted the tenancy of a croft and that such croft shall—

- (a) if the crofter so wishes, include any dwelling-house which formed part of the croft of which he was tenant immediately before the date on which the scheme was put into effect, and
- (b) if he so wishes, be of a value not less than that of the croft of which he was tenant as aforesaid.

(3) A reorganisation scheme may, if the Commission think fit, make provision with respect to all or any of the following matters, that is to say—

- (a) the inclusion in the scheme of any land in the vicinity of the township, being land to which the Act of 1955 and this Act do not apply, which in the opinion of the Commission ought to be used for the enlargement of crofts in the township or of common grazings used exclusively or shared in by the township ;
- (b) the admission into the township of new crofters and the allocation to them of shares in the common grazings ;

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- (c) the apportionment for the exclusive use of the township of a part of any common grazings in which it shares ;
- (d) the inclusion in any croft formed under the scheme of a part of the common grazings or of any lands held runrig ;
- (e) the grant to any crofter (not being a person who under the scheme becomes the tenant of a croft) who so wishes of a conveyance in feu (under reservation of minerals) of the dwelling-house which formed part of the croft of which he was tenant immediately before the date on which the scheme was put into effect with the like pertinents, on the like terms and conditions, and in the like manner, as if an order terminating his tenancy had been made by the Commission under subsection (1) of section seventeen of the Act of 1955 and a notice given to the crofter and his landlord by the Commission, and to the Commission and his landlord by the crofter, under subsection (4) of that section ; and the application, for the purposes of such grant and subject to any necessary modifications, of subsections (5) to (10) of that section ; and
- (f) any other matter incidental to or consequential on the provisions of the scheme.

(4) For the purposes of a reorganisation scheme the Commission shall prepare such maps and plans as may be necessary to indicate the general effect of the scheme and its effect on each of the crofts in the township.

(5) The Commission shall serve on each crofter who is the tenant of a croft situated in the township to which a draft reorganisation scheme relates a copy of such scheme together with a notice—

- (a) naming a place within the locality in which the said township is situated where a copy of the maps and plans prepared by the Commission under the last foregoing subsection may be inspected at all reasonable hours, and
- (b) requesting that the crofter on whom the said notice is served shall, within four months from the date of such service, intimate to the Commission in writing whether he is in favour of the scheme or not.

Where any crofter on whom such a notice as aforesaid has been served fails to comply with the request contained in such notice, he shall for the purposes of this section be deemed to have intimated to the Commission in compliance with the said request that he is in favour of the scheme.

(6) If within the said period of four months a majority of the crofters on whom a copy of a draft reorganisation scheme and notice have been served in pursuance of the last foregoing subsection have intimated to the Commission in compliance with the request contained in such notice that they are in favour of the scheme, the Commission shall submit to the Secretary of State the draft reorganisation scheme and the maps and plans prepared by them under subsection (4) of this section together with such information as they may think necessary, or as the Secretary of State may require, for the purpose of informing him of the general purport and effect of the scheme, and shall submit also a statement of their views on the prospects of the development of agricultural and other industries in the township and in the locality in which the township is situated.

(7) The Secretary of State may confirm a draft reorganisation scheme submitted to him under the last foregoing subsection with or without modifications, and the provisions of the Second Schedule to this Act shall apply with respect to the confirmation and the validity of such a scheme.

9.—(1) It shall be the duty of the Commission to put into effect any reorganisation scheme confirmed by the Secretary of State under the last foregoing section, and the Commission may, subject to any directions in that behalf given to them by the Secretary of State, do all such things as may be required for that purpose.

Putting into effect of reorganisation schemes.

(2) A reorganisation scheme shall be put into effect on such date as may be appointed by the Commission, and the Commission may appoint different dates in respect of different provisions of the scheme, and any reference in this Act to the date on which a reorganisation scheme is put into effect shall, in relation to any land, be construed as a reference to the date on which the provisions of that scheme which apply to such land are put into effect.

(3) The Commission shall, on a reorganisation scheme being confirmed by the Secretary of State, remit the scheme to the Land Court to fix the sums which will become payable on the scheme being put into effect—

- (a) to each person who immediately before the said date was the tenant of a croft in the township, by way of compensation in respect of permanent improvements by reason of the termination of his tenancy by virtue of subsection (6) of this section ;
- (b) by each person (whether or not he was immediately before the said date the tenant of a croft in the township) who under the scheme becomes the tenant of a croft, in respect of the permanent improvements on that croft ; and

(c) by way of rent in respect of each of the crofts formed under the scheme.

(4) In fixing rents under paragraph (c) of the last foregoing subsection the Land Court shall so proceed that the aggregate of the rents so fixed, so far as attributable to subjects which formed part of crofts comprised in the township at the date of the confirmation of the scheme—

(a) does not exceed the aggregate of the rents payable in respect of those subjects at that date, and

(b) is fairly apportioned amongst the said subjects.

(5) The rent fixed by the Land Court in pursuance of paragraph (c) of subsection (3) of this section in respect of any croft shall not be altered, except by agreement between the landlord and the crofter, for a period of seven years from the term at which it first became payable.

(6) For the purpose of putting into effect the provisions of a reorganisation scheme, the Commission shall serve on the tenant and on the landlord of every croft to which those provisions apply and on any person (other than such a tenant) who under the scheme is to become the tenant of a croft a notice specifying the date on which the scheme is to be put into effect, and where such notices have been served—

(a) every such tenant shall be deemed to have given notice renouncing the tenancy of his croft immediately before the said date ; and

(b) each person (whether or not such a tenant) who under the scheme is to become the tenant of a croft shall on that date become the tenant of that croft.

(7) Where any buildings situated on land to which a reorganisation scheme applies will on the putting into effect of the scheme cease to be required in connection with the occupation of that land, the Commission shall, on the scheme being confirmed by the Secretary of State, give notice to that effect to the landlord of the land, and thereupon the provisions of subsections (6) and (8) of section sixteen of the Act of 1955 (under which the Secretary of State may be required to purchase buildings on certain crofts) shall apply in relation to the buildings first mentioned as if the said notice had been a notice given under the said subsection (6) to the landlord by the Commission immediately before the date of the putting into effect of the scheme.

A notice given under this subsection to a landlord by the Commission shall inform the landlord of the effect of this subsection in relation to the buildings in respect of which the notice is given.



(8) Where a reorganisation scheme provides, in pursuance of paragraph (a) of subsection (3) of the last foregoing section, for the inclusion in the scheme of land in the vicinity of the township, the Secretary of State shall, on confirming the scheme, serve—

- (a) on the occupier of any such land who is not the owner thereof, a copy of the scheme together with a notice terminating his interest in the land on the expiry of three months from the date of the service of the notice ; and
- (b) on the owner of any such land a copy of the scheme together with a notice requiring him to enter into an undertaking that he will, on the date on which the scheme is put into effect, let the land in accordance with the provisions of the scheme.

(9) Where the interest in any land of the occupier of that land is terminated in pursuance of paragraph (a) of the last foregoing subsection, the Secretary of State shall be deemed to be authorised to purchase the said interest compulsorily and to have served notice to treat in respect thereof on the date on which the interest is terminated as aforesaid.

(10) Where—

- (a) the owner of any land fails within two months from the date on which a notice is served on him under paragraph (b) of subsection (8) of this section to enter into such an undertaking as is mentioned in that paragraph or, having entered into such an undertaking, fails to let the land in accordance with the provisions of the scheme on the date on which the scheme is put into effect ; or
- (b) the owner of any land to which any provision contained in a reorganisation scheme applies gives to the Secretary of State, within two months from the date on which notice of the confirmation of the scheme is served on him under paragraph 7 of the Second Schedule to this Act, notice requiring the Secretary of State to purchase the land ;

the Secretary of State shall be deemed to be authorised to purchase the said land compulsorily and to have served notice to treat in respect thereof immediately before the date on which the scheme is put into effect.

Any purchase of land under this subsection shall be deemed to be completed immediately before the date on which the scheme is put into effect, and the Secretary of State shall, as the landlord of such land, be liable to pay or, as the case may be, entitled to receive any such sum as is mentioned in paragraph (a) or (b) of subsection (3) of this section which becomes payable on the said date and any sum payable on that date under subsection (6) of section fourteen of the Act of 1955 by way

of compensation for deterioration of, or damage to, fixed equipment on the land.

(11) The provisions of this and of the last foregoing section shall, unless the context otherwise requires, apply in relation to a group of neighbouring townships as they apply in relation to a township.

(12) Sections nineteen and twenty of the Act of 1955 (which relate to reorganisation schemes) shall cease to have effect, except in relation to a reorganisation scheme which has been submitted to the Secretary of State for confirmation before the commencement of this Act, and nothing in this or the last foregoing section shall apply in relation to a reorganisation scheme submitted as aforesaid.

Repeal of  
s. 21 of Act  
of 1955.

10. Section twenty-one of the Act of 1955 (which relates to the duty of a crofter to work his croft in accordance with the rules of good husbandry), shall cease to have effect.

Subletting  
of crofts.

11.—(1) The provisions of this subsection shall have effect with respect to any sublease of his croft by a crofter which is subsisting at the commencement of this Act, that is to say—

- (a) where it was entered into without the consent in writing of the landlord of the croft, then if within six months from the commencement of this Act the landlord and the crofter intimate jointly to the Commission that the sublease has been entered into and furnish the Commission with the name of the subtenant and the duration of the sublease, the sublease shall be held to be valid as from the date of such intimation ;
- (b) where it was entered into with the consent in writing of the landlord, the sublease shall become null and void on the expiry of six months from the commencement of this Act unless before the expiry of that period the crofter has intimated to the Commission that the sublease has been entered into and has furnished the Commission with the name of the subtenant and the duration of the sublease.

(2) Notwithstanding any enactment or rule of law a crofter shall be entitled after the commencement of this Act to sublet his croft without the consent of the landlord of the croft.

(3) A crofter shall not after the commencement of this Act sublet his croft otherwise than with the consent in writing of the Commission and in accordance with such conditions (which shall not include conditions relating to rent) as the Commission in giving their consent may impose ; and any sublease of his croft granted by a crofter otherwise than as aforesaid shall be null and void :

Provided that nothing in this subsection shall be construed as debarring a crofter from subletting any dwelling-house or other building forming part of his croft to holiday visitors.

(4) On applying to the Commission for their consent to a proposed sublease of his croft, a crofter shall furnish such information with respect to the proposed sublease, including the name of the subtenant, the duration of the sublease and the terms and conditions of the sublease (other than those relating to rent), as the Commission may require.

(5) The Commission shall, on an application being made to them by a crofter for their consent to a proposed sublease of a croft, serve on the landlord of the croft a notice stating that such application has been made and specifying the name and designation of the proposed subtenant, and in deciding whether to give or to refuse consent to such sublease the Commission shall have regard to any observations made to them by the landlord within fourteen days from the date of the service of such notice.

(6) The Commission may, in giving their consent to a proposed sublease of a croft, impose such conditions (other than any relating to rent) as they may think fit.

12.—(1) Where the Commission are of the opinion that any crofter is failing to make adequate use of his croft, they may serve on him a preliminary notice setting out their opinion as aforesaid and stating that, unless he satisfies them within one year from the date of the service of such preliminary notice that he is making adequate use of his croft, the Commission may, in accordance with the provisions of the next following subsection, serve on him a notice of requirement to sublet.

**Special provisions regarding subletting of crofts not adequately used.**

The Commission may at any time withdraw a preliminary notice served by them on a crofter under this subsection.

(2) Where a crofter on whom a preliminary notice has been served under the foregoing subsection fails to satisfy the Commission within the period mentioned in that subsection that he is making adequate use of his croft, the Commission may, within one month from the expiry of that period, serve on such crofter a notice stating that, subject to the provisions of the next following subsection, the croft will, on the expiry of one month from the date of the service of the notice or such longer period as may be specified in the notice, become subject to a requirement that it be sublet.

(3) A crofter on whom a notice is served under the last foregoing subsection by the Commission may, at any time before his croft becomes subject, in terms of such notice, to a requirement that it be sublet, refer to the Secretary of State the question

whether he is making adequate use of his croft, and the Secretary of State, after affording to the crofter an opportunity of making representations to him and, if the crofter does not object to such consultation, after consulting with any grazings committee appointed under section twenty-four of the Act of 1955 in respect of common grazings in the township in which the croft is situated, may annul the notice or may confirm it.

(4) Where a notice is served under subsection (2) of this section on a crofter by the Commission and either no reference is made under the last foregoing subsection to the Secretary of State by the crofter or on such a reference the Secretary of State confirms the notice, the Commission may, within one month from the last date on which a reference might have been made as aforesaid or from the date on which the notice was confirmed by the Secretary of State, as the case may be, serve on the crofter a further notice requiring that he shall, within three months from the date of the service of such further notice, submit to them for their approval proposals (other than any relating to rent) for subletting his croft.

(5) The Commission shall, on proposals for subletting a croft being submitted to them by a crofter as aforesaid, serve on the landlord of the croft a notice stating that such proposals have been submitted and specifying the name and designation of the proposed subtenant, and in deciding whether or not to approve such proposals the Commission shall have regard to any observations made to them by the landlord within fourteen days from the date of the service of such notice.

(6) The Commission may, in giving their approval to any proposals submitted to them by a crofter as aforesaid, impose such conditions (other than any relating to rent) as they may think fit, and any reference in this or the next following section to proposals submitted to the Commission under subsection (4) of this section and approved by them shall include a reference to conditions imposed by the Commission under this subsection in giving their approval to such proposals.

(7) If a crofter on whom a further notice is served under subsection (4) of this section by the Commission fails within the period mentioned in that subsection to submit proposals for subletting his croft, or if any proposals submitted by such a crofter are not approved by the Commission, or if such a crofter fails to sublet the croft in accordance with proposals approved by the Commission, the Commission themselves may, subject to the following provisions of this section, grant a sublease of the croft to such person as they may think fit.

(8) Before granting a sublease of any croft under the last foregoing subsection the Commission shall consult with any

grazings committee appointed under section twenty-four of the Act of 1955 in respect of common grazings in the township in which the croft is situated, and thereafter the Commission shall, if they propose to grant such sublease, serve on the landlord of the croft and on the crofter a notice to that effect which shall also specify the name and designation of the proposed subtenant, and in deciding whether or not to grant the sublease the Commission shall have regard to any observations made to them by the landlord or by the crofter within fourteen days from the date of the service of such notice.

(9) Where the Commission grant a sublease of any croft under subsection (7) of this section, they shall forthwith give to the landlord of the croft, to the crofter and to the subtenant under the sublease a notice intimating that they have granted the sublease as aforesaid and setting out the name of the subtenant, the duration of the sublease, and the terms and conditions on which it has been granted, and the Commission shall also make a record of the condition as at the date of entry under the sublease of any fixed equipment let thereunder.

(10) A sublease of a croft granted by the crofter in accordance with proposals submitted to the Commission under subsection (4) of this section and approved by them, or by the Commission under subsection (7) of this section, shall not, unless the crofter so wishes, include—

- (a) any dwelling-house or garden ground forming part of the croft ;
- (b) any buildings or other structures erected, or any works executed, on the croft which, by virtue of subsection (2) or (3) of section five of this Act, are permanent improvements on the croft ;
- (c) such part of the croft as the Commission shall determine, being a part which (taken together with the site of any dwelling-house, garden ground, buildings, structures or works which, by virtue of the foregoing provisions of this subsection, are not included in the sublease) extends to one acre ;
- (d) any right pertaining to the tenancy of the croft to cut or take peat.

(11) A sublease of any croft granted under subsection (7) of this section by the Commission shall have effect in all respects as if it had been granted by the crofter in accordance with proposals submitted to the Commission under subsection (4) of this section and approved by them.

(12) The rent payable under a sublease granted under subsection (7) of this section by the Commission shall, in the case of a sublease of a whole croft, or of a whole croft other than

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any subjects which, by virtue of subsection (10) of this section, are not included in the sublease, be a sum equal to one and one quarter times the rent payable to the landlord by the crofter in respect of the croft, and, in any other case, be such proportion of the said sum as the Commission may determine:

Provided that the Land Court may, on an application in that behalf made by the crofter within six months from the date on which notice intimating the grant of the sublease was given to him under subsection (9) of this section by the Commission, vary the rent fixed by or under this subsection and substitute therefor such other rent, whether higher or lower than the rent so fixed, as may appear to the Land Court to be just in all the circumstances, and the rent determined by the Land Court in pursuance of this proviso shall be payable under the sublease, in place of the rent fixed as aforesaid, as from the date of entry under the sublease.

(13) The duration of any sublease granted under subsection (7) of this section by the Commission shall, subject to the provisions of the next following subsection and of subsection (3) of the next following section, be such number of years, not exceeding five, as the Commission may determine, and any such sublease shall be granted subject to the following terms and conditions, that is to say—

- (a) the subtenant shall make adequate use of the land comprised in the sublease;
- (b) the subtenant shall maintain any permanent improvements existing on such land at the date of the commencement of the sublease in as good a state of repair as they were in at the said date and, if he fails to do so, shall on the termination of the sublease pay to the crofter the cost, as at the date of such termination, of making good any deterioration of, or damage to, such improvements due to his failure, which cost shall, failing agreement between the subtenant and the crofter, be determined by the Land Court;
- (c) the subtenant shall not make any permanent improvements on the land comprised in the sublease, other than an improvement falling under head 3, 4, 5 or 6 of the Fifth Schedule to the Act of 1955, and the crofter shall not be held responsible for the maintenance of any permanent improvements erected by the subtenant without the consent of the crofter;

and to such other terms and conditions as may be specified in the sublease.

(14) If the Commission are satisfied in relation to any sublease granted by them under subsection (7) of this section—

- (a) that the subtenant has broken one or more of the terms or conditions of the sublease, or

- (b) where representations in that behalf are made by the crofter or by the subtenant, that the circumstances of either of them have so materially altered that it is reasonable that the sublease should be terminated,

the Commission may serve on the crofter and on the subtenant a notice in writing terminating the sublease on such date as may be specified in the notice, being a date not later than one year from the date of the service of the notice.

(15) Where any person occupying a croft—

- (a) has, by virtue of any of the provisions of this section, ceased to be entitled to occupy such croft ; or
- (b) is a subtenant to whom the croft has been sublet by the crofter after the date on which a further notice was served on the crofter by the Commission under subsection (4) of this section and otherwise than in accordance with proposals submitted to the Commission under that subsection and approved by them ;

the Commission may serve on such person a notice in writing requiring him to give up his occupation of the croft on or before such date as may be specified in the notice, being a date not less than one month from the date of the service of the notice ; and if he fails to give up his occupation of the croft on or before the date so specified, subsection (3) of section seventeen of the Act of 1955 (which provides for the ejection of a crofter from his croft in certain circumstances) shall, subject to any necessary modifications, apply as it applies where a crofter fails to give up the occupation of a croft as mentioned in that subsection.

(16) In this section “adequate use” in relation to a croft means such use of the croft for agriculture as, having regard to its nature and location, a tenant reasonably skilled in husbandry might be expected to make of it.

13.—(1) Subject to the provisions of the next following subsection, the subtenant under a sublease of a croft shall not be held to be a crofter or to be the tenant of an agricultural holding within the meaning of the Agricultural Holdings (Scotland) Act, 1949.

Miscellaneous provisions regarding subleases of crofts.

(2) Where under a sublease of any croft a right in any common grazing is let to the subtenant, and the sublease is one which—

- (a) has been intimated to the Commission under paragraph (a) or (b) of subsection (1) of section eleven of this Act, or
- (b) has been granted by the crofter with the consent of the Commission and in accordance with any conditions imposed by them, as mentioned in subsection (3) of section eleven of this Act, or

(c) has been granted by the crofter in accordance with proposals submitted to the Commission under subsection (4) of the last foregoing section and approved by them, or

(d) has been granted under subsection (7) of the last foregoing section by the Commission,

the subtenant shall come in place of the crofter in relation to any matter which concerns such right, and any grazings regulations applicable to such common grazing shall apply to the subtenant accordingly.

(3) Where the tenancy of a croft is terminated, any sublease of that croft subsisting immediately before the date of such termination shall come to an end on that date :

Provided that where a sublease comes to an end by virtue of the foregoing provisions of this subsection the Commission may, on an application in that behalf made to them by the subtenant within one month from the date on which the sublease came to an end as aforesaid, make an order permitting the subtenant to remain in occupation of the croft for such period, not exceeding one year from the said date, and subject to such conditions, as may be specified in the order ; and no proceedings for the removal of the subtenant from the croft shall be taken by the owner of the croft before the expiry of the said period of one month or, if an application is made under this subsection to the Commission by the subtenant within that period, before the date of the determination of the Commission on such application.

(4) In this and the last two foregoing sections any reference to a croft shall include a reference to a part of a croft.

**Amendment of powers of Secretary of State with respect to giving of financial assistance in crofting counties.**

**14.—(1)** The Secretary of State shall have the like power to provide financial assistance—

(a) for occupiers of crofts who are also the owners thereof and who in the opinion of the Secretary of State are of substantially the same economic status as a crofter ; and

(b) for occupiers of holdings, other than crofts, situated in the crofting counties which are either holdings of which the area does not exceed seventy-five acres (exclusive of any common pasture or grazing held therewith) or holdings the annual rent of which, if they were crofts let to crofters under the Act of 1955 and this Act, would not, in the opinion of the Secretary of State, exceed fifty pounds, being occupiers who in the opinion of the Secretary of State are of substantially the same economic status as a crofter ; and



- (c) for subtenants of crofts or parts of crofts occupying under subleases intimated or granted as mentioned in subsection (2) of the last foregoing section ;

as he has by virtue of subsection (1) of section twenty-two of the Act of 1955 to provide financial assistance for crofters ; and accordingly subsection (1) of the said section twenty-two shall have effect as if the reference therein to crofts included a reference to such holdings and to parts of crofts and as if the reference therein to crofters included a reference to occupiers of crofts who are also the owners thereof, to occupiers of such holdings and to subtenants of crofts or parts of crofts.

(2) The Secretary of State may make regulations providing that the conditions applied to any dwelling-house by regulations made under subsection (4) of section twenty-two of the Act of 1955 or subsection (3) of section seventy-seven of the Agriculture (Scotland) Act, 1948 (which subsections provide for the making by the Secretary of State of regulations applying certain conditions to crofters' dwelling-houses in respect of which a grant has been made), shall not apply to such dwelling-house in such circumstances and to such extent as may be specified in the regulations made under this subsection.

15.—(1) A person may be appointed in pursuance of section twenty-four of the Act of 1955 to be a member of a common grazings committee notwithstanding that he is not a crofter. **Amendment of law with respect to common grazings.**

(2) The duty imposed on a grazings committee by subsection (2) of section twenty-six of the Act of 1955 to make provision in common grazings regulations for the recovery from certain crofters of the expenses incurred by the committee in the discharge of certain of their functions under that Act shall include a duty to provide in such regulations that the committee may from time to time levy on, and recover from, the crofters referred to in paragraph (a) or, as the case may be, paragraph (b) of the said subsection, in such proportions as may be specified in the regulations, such sums as will in the opinion of the committee be necessary to enable the committee to meet any expenses which they may incur in the discharge of the functions mentioned respectively in the said paragraphs (a) and (b).

(3) Common grazings regulations may—

- (a) restrict the use of any part of the common grazings on which works of improvement have been carried out to crofters who contribute towards the expenses incurred by the common grazings committee in carrying out those works ;
- (b) where the use of any part of the common grazings is restricted as aforesaid, regulate the number and kinds of

stock which each contributing crofter may put on that part and the number and kinds of stock which each crofter (whether or not he is a contributing crofter) may put on the remainder of the common grazings.

(4) Subsection (3) of section twenty-seven of the Act of 1955 (which empowers the Commission to apportion a common grazing shared by two or more townships into separate parts for the exclusive use of the several townships) shall have effect as if at the end thereof there were added the words "or may apportion a part of such grazing for the exclusive use of one of the townships."

(5) Where the Commission in pursuance of subsection (3) or (4) of section twenty-seven of the Act of 1955 apportion to a township or to an individual a part of a common grazing for its or his exclusive use, they may make the apportionment subject to such conditions, including conditions with respect to the fencing or the draining of the apportioned part, as they may think fit.

(6) For the purposes of the provisions of the Act of 1955 and of this Act relating to common grazings references in either of the said Acts to a crofter shall include references to any person who, not being a crofter, is entitled to share in a common grazing along with crofters.

**Financial provisions.**

**16.—**(1) Any increase in the expenses of the Commission attributable to the provisions of this Act shall be defrayed by 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.

(3) All sums received by the Secretary of State under the provisions of this Act shall be paid into the Exchequer.

**Interpretation.**

**17.—**(1) In this Act the expression "the Act of 1955" means the Crofters (Scotland) Act, 1955, and any expression used in this Act and in the Act of 1955 has the same meaning in this Act as in that Act.

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

**Amendments and repeals.**

**18.—**(1) The Act of 1955 shall have effect subject to the amendments specified in Part II of the First Schedule to this Act, being minor amendments or amendments consequential on the provisions of this Act (other than section six thereof).

(2) The provisions of the Act of 1955 mentioned in the first column of the Third Schedule to this Act are hereby repealed to the extent specified in the second column of that Schedule, without prejudice, however, to the continuance in force of the provisions mentioned in subsection (6) of section six and subsection (12) of section nine of this Act respectively, for the purposes mentioned in those subsections.

19.—(1) This Act may be cited as the Crofters (Scotland) Act, 1961, and the Crofters (Scotland) Act, 1955, and this Act may be cited together as the Crofters (Scotland) Acts, 1955 and 1961. Citation and commencement.

(2) This Act (other than section twelve thereof) shall come into operation on the expiry of the period of one month commencing with the date on which it is passed and section twelve of this Act shall come into operation on a day appointed by the Secretary of State by order made by statutory instrument, but no order shall be made under this subsection unless a draft of such order has been laid before Parliament and approved by resolution of each House thereof.

Any reference in this Act to the commencement of this Act shall be construed as a reference to the date on which this Act (other than section twelve thereof) comes into operation.

## SCHEDULES

## FIRST SCHEDULE

## AMENDMENTS OF THE ACT OF 1955

## PART I

## AMENDMENTS CONSEQUENTIAL ON SECTION SIX OF THIS ACT

1. In subsection (2) of section seven (which provides that the landlord of a croft may set off all rent due or to become due by a crofter who has renounced his tenancy against any sum due to the crofter or to the Secretary of State by way of compensation for permanent improvements) after the words "any sum found to be due" there shall be inserted the words "by the landlord".

2. After subsection (7) of section eleven (which provides that where a croft has been declared vacant under subsection (5) of that section the landlord shall be liable to make certain payments to the executor of the deceased crofter in respect of permanent improvements on the croft) there shall be inserted the following subsections—

"(7A) Where a croft has been declared under subsection (5) of this section to be vacant consequent on the death after the commencement of the Crofters (Scotland) Act, 1961, of a crofter who immediately before his death was qualified as mentioned in the next following subsection, and the value of the improvements on the croft is determined by the Land Court under the last foregoing subsection, the executor of the crofter may request the Land Court to determine what would have been the value of the improvements on the croft if the said Act had not been passed, and if the value last mentioned is greater than the value determined by the Land Court under the last foregoing subsection, the difference between the two said values shall be payable to the executor by the Secretary of State:

Provided that the Secretary of State shall be entitled to set off any amount due to him by the crofter at the date of his death in respect of a loan made under subsection (2) or (3) of section twenty-two of this Act or subsection (7) of section seven or section nine of the Act of 1911 against any sum payable to the executor by the Secretary of State under this subsection.

(7B) The reference in the last foregoing subsection to a crofter who immediately before his death was qualified is a reference to a crofter—

(a) whose tenancy of the croft in question began before the commencement of the Crofters (Scotland) Act, 1961, or

(b) who held the tenancy of such croft as statutory successor to his immediate predecessor in the tenancy and each of whose predecessors (being in each case a person whose tenancy of the croft began after the commencement of the said Act) held such tenancy as statutory successor to his immediate predecessor."

3. In subsection (3) of section thirteen (which provides that the landlord of a croft may set off all rent due by a crofter who has

been removed from such croft against any sum due to the crofter for permanent improvements) after the words "any sum found to be due" there shall be inserted the words "by the landlord".

4. In subsection (7) of section fourteen (which provides that the landlord of a croft may set off any compensation for deterioration due by a crofter on the termination of his tenancy against any compensation payable to the crofter for permanent improvements) after the words "any compensation payable" there shall be inserted the words "by him".

5. In subsection (8) of section sixteen (which relates to the compulsory purchase by the Secretary of State of certain buildings on a vacant croft) after the words "entitled to receive" there shall be inserted the words "from the landlord".

6. In subsection (8) of section seventeen (which relates to the consideration payable by an absentee crofter in respect of the conveyance to him of his dwelling-house) the words "to an incoming tenant" shall be omitted.

7. For subsection (2) of section twenty-eight of the Act of 1955 (which relates to the amount of the compensation payable under subsection (1) of that section to a cottar who renounces his tenancy or is removed from the subject occupied by him in respect of permanent improvements on that subject) there shall be substituted the following subsections—

"(2) The amount of the compensation payable under the foregoing subsection shall, failing agreement, be fixed by the Land Court, and—

- (a) where the cottar renounced his tenancy or was removed from his subject before the commencement of the Crofters (Scotland) Act, 1961, the provisions of subsections (3), (4) and (5) of section fourteen of this Act (which relates to compensation to crofters for improvements) shall apply in relation to such cottar as they apply in relation to a crofter whose tenancy was terminated before the said commencement;
- (b) where the cottar renounces his tenancy or is removed from his subject after the commencement of the said Act of 1961, the provisions of subsection (3) of section fourteen of this Act and of subsections (1) and (2) of section six of the said Act of 1961 (which relate to compensation to crofters for improvements) shall apply in relation to such cottar as they apply in relation to crofters.

(2A) Where compensation falls to be assessed under subsections (1) and (2) of section six of the said Act of 1961, as applied by paragraph (b) of the last foregoing subsection, in respect of any permanent improvement and the amount of such compensation is fixed by the Land Court under the last foregoing subsection, then if the cottar is qualified as mentioned in the next following subsection he may request the Land Court

## 1ST SCH.

to determine the amount which would have been payable by way of compensation in respect of that improvement if the said Act of 1961 had not been passed, and if the amount last mentioned is greater than the amount fixed by the Land Court as aforesaid, the difference between the two said amounts shall be payable to the cottar by the Secretary of State:

Provided that—

- (a) the Secretary of State shall be entitled to set off any amount due to him by the cottar in respect of a loan made under subsection (2) of section twenty-two of this Act or section nine of the Act of 1911 against any sum payable to the cottar by the Secretary of State under this subsection; and
  - (b) this subsection shall not apply where compensation in respect of the improvement in question has on a previous occasion fallen to be assessed under subsections (1) and (2) of section six of the said Act of 1961, as applied as aforesaid.
- (2B) The reference in the last foregoing subsection to a cottar who is qualified is a reference to a cottar—
- (a) whose occupation of the subject in question began before the commencement of the said Act of 1961, or
  - (b) who occupies such subject as heir-at-law, legatee or assignee of his immediate predecessor as occupier of the subject, and each of whose predecessors (being in each case a person whose occupation of the subject began after the commencement of the said Act of 1961) occupied the subject as heir-at-law, legatee or assignee of his immediate predecessor.”.

## PART II

## MINOR AMENDMENTS AND GENERAL CONSEQUENTIAL AMENDMENTS

8. Any reference in the Act of 1955 to that Act shall, unless the context otherwise requires, include a reference to this Act.
9. In section three (which defines a croft)—
  - (a) in paragraph (c) of subsection (1) for the word “is” there shall be substituted the words “was before the commencement of the Crofters (Scotland) Act, 1961.”; and
  - (b) at the end of subsection (1) there shall be added the following paragraph—
    - “(d) as from the date of the direction, every holding situated as aforesaid as to which the Secretary of State has directed under subsection (1) of section two of the Crofters (Scotland) Act, 1961, that it shall be a croft.”.
10. In section eight (which relates to the assignation of a croft)—
  - (a) in subsection (2) the words from “and shall” onwards shall be omitted;

- (b) in subsection (3) for the word “giving” there shall be substituted the words “deciding whether to give or to withhold”;
- (c) in subsection (4) the words from “and, where” onwards shall be omitted;
- (d) in subsection (5) the words from “or, where” to “such terms and conditions” shall be omitted; and
- (e) at the end of the section there shall be added the following subsection—

“(6) An assignation to which the Commission have given their consent under this section shall take effect at the term of Whitsunday or Martinmas first occurring not less than two months after the date on which such consent was intimated to the crofter, unless before the said term of Whitsunday or Martinmas, as the case may be, the crofter or his heir or legatee and the assignee jointly give to the Commission notice in writing that they do not intend to proceed with the assignation.”.

11. In section twelve (which relates to the resumption of a croft or part of a croft by the landlord)—

- (a) in subsection (2) after the word “seashore” there shall be inserted the words “or for any other purpose likely to provide employment for crofters and others in the locality”; and
- (b) at the end of the section there shall be added the following subsection—

“(4) The provisions of the Crofters (Scotland) Acts, 1955 and 1961, shall cease to apply to any land on its being resumed in pursuance of an order authorising its resumption made under this section by the Land Court, without prejudice, however, to the subsequent exercise of any powers conferred by any enactment for the constitution of new crofts or the enlargement of existing crofts.”.

12. In section sixteen (which relates to vacant crofts)—

- (a) after subsection (3) there shall be inserted the following subsection—

“(3A) Where any person is in occupation of a croft under a letting which is null and void by virtue of the last foregoing subsection, the Commission may serve on him a notice in writing requiring him to give up his occupation of such croft on or before such day as may be specified in the notice, being a day not less than one month from the date of the service of the notice; and if he fails to give up his occupation of the croft on or before that day, subsection (3) of the next following section shall, subject to any necessary modifications, apply as it

**1ST SCH.**

applies where a crofter fails to give up the occupation of a croft as mentioned in that subsection.”;

- (b) subsection (9) shall have effect as if at the end thereof there were added the words “The Secretary of State shall intimate to the Commission any direction given by him under this subsection.”;
- (c) after subsection (11) there shall be inserted the following subsection—
  - “(11A) For the purposes of this section a croft shall be taken to be vacant notwithstanding that it is occupied, if it is occupied otherwise than by the tenant of the croft.”; and
- (d) after subsection (12) there shall be inserted the following subsection—
  - “(13) The provisions of this section shall have effect in relation to a part of a croft as they have effect in relation to a croft.”.

13. In section twenty-four, in subsection (2) (which relates to the giving of notice of meetings for the appointment of grazings committees) for the words from “on or near the door” onwards there shall be substituted the words “in such public place or places in that district as may be approved by the Commission.”.

14. In section twenty-five (which relates to the powers and duties of grazings committees), in paragraph (a) of subsection (1) after the word “and” there shall be inserted the words “to provide, maintain and, if necessary, replace”.

15. In section twenty-six (which relates to common grazings regulations), in paragraph (a) of subsection (2) after the words “and in” there shall be inserted the word “providing”.

16. In section thirty-two (which relates to the compulsory purchase of land and to the management of land), in subsection (2) for the words “subsection (10) of section twenty thereof” there shall be substituted the words “subsection (9) or (10) of section nine of the Crofters (Scotland) Act, 1961.”.

17. In section thirty-four (which relates to the determination of disputes), in subsection (1) for the words “are required by or” there shall be substituted the words “have jurisdiction”.

18. In section thirty-seven (which contains provisions for the interpretation of the Act), in subsection (1) after the definition of permanent improvement there shall be inserted the following words—

“Provided that no building or other structure erected on a croft shall be held to be a permanent improvement on the croft unless it is a fixture on the land;”.

19. In section thirty-eight (which provides amongst other things for the modification of enactments in relation to the crofting counties), in subsection (2) after the word “than” there shall be inserted the words “section twenty-five of the Act of 1911 and”.



20. In the Second Schedule (which refers to the statutory conditions of crofting tenure)— 1st Sch.

(a) in paragraph 3 for the words “the Commission” there shall be substituted the words “the Land Court”;

(b) after paragraph 3 there shall be inserted the following paragraph—

“3A. The crofter shall provide such fixed equipment on his croft as may be necessary to enable him to cultivate the croft.”; and

(c) for paragraph 5 there shall be substituted the following paragraph—

“5. A crofter shall not sublet his croft or any part thereof otherwise than with the consent in writing of the Commission and in accordance with such conditions (which shall not include conditions relating to rent) as the Commission in giving their consent may impose:

Provided that nothing in this paragraph shall be construed as debarring a crofter from subletting any dwelling-house or other building forming part of his croft to holiday visitors.”.

21. In the Fifth Schedule (which relates to permanent improvements)—

(a) in paragraph 10 for the words “to an incoming tenant” there shall be substituted the words “as an agricultural subject.”; and

(b) after paragraph 10 there shall be inserted the following paragraph—

“11. Buildings or other structures erected under section five of the Crofters (Scotland) Act, 1961, being buildings or structures which are fixtures on the land; or works executed under the said section five.”.

## SECOND SCHEDULE

Section 8.

### CONFIRMATION AND VALIDITY OF REORGANISATION SCHEMES

#### PART I

##### *Procedure for confirming reorganisation schemes*

1. Before confirming a reorganisation scheme the Secretary of State shall—

(a) serve on every owner and every occupier of land to which the draft scheme applies a copy of the draft scheme together with a notice naming a place within the locality in which such land is situated where a copy of the maps and plans submitted with the draft scheme may be inspected at all reasonable hours and stating that such owner or occupier may, within twenty-eight days from the date of the service of the notice, object in such manner as may be specified in the notice to the draft scheme or to any provision contained therein; and

2ND SCH.

(b) in two successive weeks publish in one or more newspapers circulating in the locality in which the land to which the scheme applies is situated a notice stating that the draft scheme has been submitted to him, specifying the land to which the scheme applies, naming a place within the locality where a copy of the draft scheme and of the maps and plans submitted therewith may be inspected at all reasonable hours, and stating that any person having an interest in any land to which the scheme applies may, within twenty-eight days from the date of the first publication of the notice, object in such manner as may be specified in the notice to the draft scheme or to any provision contained therein.

2. If no objection is made under the foregoing paragraph or if all objections so made are withdrawn, the Secretary of State may, subject to the provisions of paragraph 4 of this Schedule, confirm the draft scheme with or without modifications.

3. If any objection made as aforesaid is not withdrawn, the Secretary of State shall, before deciding whether to confirm the draft scheme, cause a public local inquiry to be held, and after considering the objection and the report of the person who held the inquiry the Secretary of State may, if he thinks fit and subject to the provisions of the next following paragraph, confirm the draft scheme with or without modifications.

4. Where the Secretary of State proposes to make any modification in the draft scheme by virtue either of paragraph 2 of this Schedule or of the last foregoing paragraph, he shall, before deciding to confirm the draft scheme as so modified, serve on each of the persons referred to in sub-paragraph (a) of paragraph 1 of this Schedule and on any other person who in his opinion may be substantially affected by such modification a notice specifying the modification and stating that such person may, within fourteen days from the date of the service of the notice, make representations in writing concerning the modification to the Secretary of State, and the Secretary of State shall consider any representations so made before he decides whether to confirm the draft scheme as so modified.

5. Notwithstanding anything in paragraph 3 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 it is an objection which in the opinion of the Secretary of State is frivolous, or which relates exclusively to the assessment of any sum which will fall to be fixed under this Act or any other enactment by the Land Court, or which relates to the assessment of compensation on the compulsory acquisition of land or of an interest in land by virtue of section nine of this Act.

6. 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 of this Schedule as they apply in relation to local inquiries held under the said section three hundred and fifty-five.

## PART II

2ND SCH.

*Validity of reorganisation schemes*

7. On confirming a reorganisation 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 paragraph 4 of this Schedule a notice stating that the scheme has been confirmed ; and
- (b) publish in one or more newspapers circulating in the locality in which the land to which the scheme applies is situated a notice stating that the scheme has been confirmed and naming a place within the locality where a copy of the scheme and of the maps and plans relating thereto may be inspected at all reasonable hours.

8. If any person aggrieved by a reorganisation scheme 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 made the Court, if satisfied that the scheme 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 either generally or in so far as it affects any property or interest of the applicant ; but except as aforesaid the scheme shall not at any time be questioned in any proceedings whatsoever.

## THIRD SCHEDULE

Section 18.

## PROVISIONS OF THE ACT OF 1955 REPEALED

|                      |     |     |                                                                                                                                                                                                                                                      |
|----------------------|-----|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Section four         | ... | ... | The whole section.                                                                                                                                                                                                                                   |
| Section eight        | ... | ... | In subsection (2), the words from “ and shall ” to the end of the subsection.<br>In subsection (4), the words from “ and, where ” to the end of the subsection.<br>In subsection (5), the words from “ or, where ” to “ such terms and conditions ”. |
| Section fourteen     | ... | ... | Subsections (4) and (5).                                                                                                                                                                                                                             |
| Section fifteen      | ... | ... | Subsections (2) to (4).                                                                                                                                                                                                                              |
| Section sixteen      | ... | ... | In subsection (7), the words “ or under subsection (5) of section twenty-one thereof ”.                                                                                                                                                              |
| Section seventeen    | ... | ... | In subsection (4), the words from “ and (b) ” to “ occupation of the croft ”.                                                                                                                                                                        |
| Section nineteen     | ... | ... | The whole section.                                                                                                                                                                                                                                   |
| Section twenty       | ... | ... | The whole section.                                                                                                                                                                                                                                   |
| Section twenty-one   | ... | ... | The whole section.                                                                                                                                                                                                                                   |
| Section twenty-seven | ... | ... | Subsection (6).                                                                                                                                                                                                                                      |
| Section thirty-four  | ... | ... | Subsection (2).                                                                                                                                                                                                                                      |
| Section thirty-seven | ... | ... | Subsection (2).                                                                                                                                                                                                                                      |
| Fourth Schedule      | ... | ... | The whole Schedule.                                                                                                                                                                                                                                  |

*Table of Statutes referred to in this Act*

| Short Title                                                             | Session and Chapter        |
|-------------------------------------------------------------------------|----------------------------|
| Small Landholders and Agricultural Holdings (Scotland) Act, 1931 ... .. | 21 & 22 Geo. 5. c. 44.     |
| Local Government (Scotland) Act, 1947 ... ..                            | 10 & 11 Geo. 6. c. 43.     |
| Agriculture (Scotland) Act, 1948 ... ..                                 | 11 & 12 Geo. 6. c. 45.     |
| Agricultural Holdings (Scotland) Act, 1949 ... ..                       | 12, 13 & 14 Geo. 6. c. 75. |
| Crofters (Scotland) Act, 1955 ... ..                                    | 3 & 4 Eliz. 2. c. 21.      |

## 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-two, and to appropriate the supplies granted in this Session of Parliament.** [3rd August, 1961]

Most Gracious Sovereign,

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

### GRANT OUT OF CONSOLIDATED FUND

Issue of  
£3,125,425,646  
out of the  
Consolidated  
Fund for the  
service of the  
year ending  
31st March,  
1962.

**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-two, the sum of three thousand, one hundred and twenty-five million, four hundred and twenty-five thousand, six hundred and forty-six pounds.

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 three thousand, one hundred and twenty-five million, four hundred and twenty-five thousand, six hundred and forty-six pounds.

Power for the Treasury to borrow.

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

40 & 41 Vict. c. 2.

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

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

#### APPROPRIATION OF GRANTS

3. All sums granted by this Act and the other 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, three hundred and sixty-three million, five hundred and twenty-two thousand, three hundred and forty-four pounds, fifteen shillings and two pence are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto.

Appropriation of sums voted for supply services.

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

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

54 & 55 Vict. c. 24.

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

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

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the Navy, Army and Air Services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

Sanction for application of surpluses on certain Navy, Army and Air Votes for 1959–60.  
7 & 8 Eliz. 2.  
c. 59.  
8 & 9 Eliz. 2.  
c. 45.

5. Whereas under the powers given for the purpose by the Appropriation Acts, 1959 and 1960, surpluses arising on certain votes for Navy, Army and Air Services have been applied towards making good deficits on those services respectively as shown in the statements set out in Schedule (C) to this Act:

It is enacted that the application of those surpluses as shown in the said statements is hereby sanctioned.

Short title.

6. This Act may be cited as the Appropriation Act, 1961.

**ABSTRACT**  
OF  
**SCHEDULES (A) and (B) to which this**  
**Act refers**

**SCHEDULE (A)**

Section 3.

Grants out of the Consolidated Fund ... £5,363,522,344 15s. 2d.

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

Section 3.

|                                                                          | Sums not exceeding |           |          |                       |           |          |
|--------------------------------------------------------------------------|--------------------|-----------|----------|-----------------------|-----------|----------|
|                                                                          | Supply Grants      |           |          | Appropriations in Aid |           |          |
| 1959-60 and 1960-61                                                      | £                  | s.        | d.       | £                     | s.        | d.       |
| <b>Part 1. Army, Royal Ordnance Factories (Excess), 1959-60</b> - - -    | 118,248            | 15        | 2        | *— 477,789            | 10        | 5        |
| <b>Part 2. Civil (Excess), 1959-60</b> - - -                             | 10                 | 0         | 0        | 3,544                 | 8         | 1        |
| <b>Part 3. Army (Supplementary), 1960-61</b> - -                         | 5,500,000          | 0         | 0        | 1,650,000             | 0         | 0        |
| <b>Part 4. Air (Supplementary), 1960-61</b> - -                          | 6,000,000          | 0         | 0        | *— 2,480,000          | 0         | 0        |
| <b>Part 5. Civil and Revenue Departments (Supplementary) 1960-61</b> - - | 117,792,240        | 0         | 0        | 15,005,075            | 0         | 0        |
| <b>£</b>                                                                 | <b>129,410,498</b> | <b>15</b> | <b>2</b> | <b>13,700,829</b>     | <b>17</b> | <b>8</b> |

\* Deficit.

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

|                                                        | Sums not exceeding |     |     |                       |       |
|--------------------------------------------------------|--------------------|-----|-----|-----------------------|-------|
|                                                        | Supply Grants      |     |     | Appropriations in Aid |       |
|                                                        | £                  | s.  | d.  | £                     | s. d. |
| 1961-62                                                |                    |     |     |                       |       |
| Part 6. Ministry of Defence                            | 18,630,000         | 0   | 0   | 3,667,000             | 0 0   |
| Part 7. Navy - - -                                     | 413,200,000        | 0   | 0   | 54,563,000            | 0 0   |
| Part 8. Army - - -                                     | 500,700,110        | 0   | 0   | 59,044,000            | 0 0   |
| Army, War Office Purchasing (Repayment) Services - - - |                    | 100 | 0 0 | —                     |       |
| Army, Royal Ordnance Factories - - -                   | 6,200,000          | 0   | 0   | 29,300,000            | 0 0   |
| Part 9. Air - - -                                      | 526,670,000        | 0   | 0   | 70,330,100            | 0 0   |
| TOTAL, DEFENCE                                         | £1,465,400,210     | 0   | 0   | 216,904,100           | 0 0   |
| Part 10. Civil, Class I -                              | 18,781,401         | 0   | 0   | 4,968,553             | 0 0   |
| Part 11. Civil, Class II -                             | 145,712,023        | 0   | 0   | 5,012,933             | 0 0   |
| Part 12. Civil, Class III -                            | 120,937,660        | 0   | 0   | 16,869,454            | 0 0   |
| Part 13. Civil, Class IV -                             | 246,785,198        | 0   | 0   | 45,810,843            | 0 0   |
| Part 14. Civil, Class V -                              | 1,387,472,609      | 0   | 0   | 215,141,460           | 0 0   |
| Part 15. Civil, Class VI -                             | 304,155,985        | 0   | 0   | 56,004,165            | 0 0   |
| Part 16. Civil, Class VII -                            | 87,561,013         | 0   | 0   | 30,078,000            | 0 0   |
| Part 17. Civil, Class VIII -                           | 343,673,205        | 0   | 0   | 20,492,630            | 0 0   |
| Part 18. Civil, Class IX -                             | 369,358,672        | 0   | 0   | 49,027,160            | 0 0   |
| Part 19. Civil, Class X -                              | 663,921,870        | 0   | 0   | 69,379,430            | 0 0   |
| TOTAL, CIVIL -                                         | £3,688,359,636     | 0   | 0   | 512,784,628           | 0 0   |
| Part 20. Revenue Departments - - -                     | 80,352,000         | 0   | 0   | 2,445,000             | 0 0   |
| GRAND TOTAL-                                           | £5,363,522,344     | 15  | 2   | 745,834,557           | 17 8  |



SCHEDULE (A)

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GRANTS OUT OF THE CONSOLIDATED FUND

|                                                                      | £              | s. | d. |
|----------------------------------------------------------------------|----------------|----|----|
| For the service of the year ended on the 31st day<br>of March 1960—  |                |    |    |
| Under Act 9 & 10 Eliz. 2. c. 12    ...    ...                        | 118,258        | 15 | 2  |
| For the service of the year ended on the 31st day<br>of March 1961—  |                |    |    |
| Under Act 9 & 10 Eliz. 2. c. 7    ...    ...                         | 42,877,600     | 0  | 0  |
| Under Act 9 & 10 Eliz. 2. c. 12    ...    ...                        | 86,414,640     | 0  | 0  |
| For the service of the year ending on the 31st<br>day of March 1962— |                |    |    |
| Under Act 9 & 10 Eliz. 2. c. 12    ...    ...                        | 2,108,686,200  | 0  | 0  |
| Under this Act    ...    ...    ...                                  | 3,125,425,646  | 0  | 0  |
| TOTAL    ...    ...    ...                                           | £5,363,522,344 | 15 | 2  |

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SCHED. (B)  
Part I.  
Army, Royal  
Ordnance  
Factories  
(Excess),  
1959-60.

SCHEDULE (B).—PART 1

ARMY, ROYAL ORDNANCE FACTORIES (EXCESS), 1959-60

|                                                                                                                                                                                                                                  | Sums not exceeding |       |                       |       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-------|-----------------------|-------|
|                                                                                                                                                                                                                                  | Supply Grants      |       | Appropriations in Aid |       |
|                                                                                                                                                                                                                                  | £                  | s. d. | £                     | s. d. |
| Sum granted, and sum which may be applied as appropriations in aid in addition thereto, to make good an excess on the grants for service of the Army, Royal Ordnance Factories, for the year ended on the 31st day of March 1960 | 118,248            | 15 2  | *-477,789             | 10 5  |

\* Deficit

## SCHEDULE (B).—PART 2

## CIVIL (EXCESS), 1959–60

SCHED. (B)  
Part 2.  
Civil  
(Excess),  
1959–60.

SUM granted, and sum which may be applied as appropriations in aid in addition thereto, to make good an excess on a certain grant for Civil Services for the year ended on the 31st day of March 1960, viz.:—

|                                             | Sums not exceeding |    |    |                       |    |    |
|---------------------------------------------|--------------------|----|----|-----------------------|----|----|
|                                             | Supply Grants      |    |    | Appropriations in Aid |    |    |
|                                             | £                  | s. | d. | £                     | s. | d. |
| CLASS III                                   |                    |    |    |                       |    |    |
| Yote<br>8. Supreme Court of Judicature, &c. | 10                 | 0  | 0  | 3,544                 | 8  | 1  |

SCHED. (B)  
Part 3  
Army  
(Supple-  
mentary).  
1960-61.

SCHEDULE (B).—PART 3

ARMY (SUPPLEMENTARY), 1960-61

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 1961, viz.:—

| Vote                                               |                                    | Sums not exceeding   |                       |
|----------------------------------------------------|------------------------------------|----------------------|-----------------------|
|                                                    |                                    | Supply Grants        | Appropriations in Aid |
|                                                    |                                    | £                    | £                     |
| 1.                                                 | Pay, &c., of the Army - -          | 2,900,000            | 200,000               |
| 4.                                                 | Civilians - - - - -                | 3,250,000            | 600,000               |
| 5.                                                 | Movements - - - - -                | 650,000              | 350,000               |
| 6.                                                 | Supplies, &c. - - - - -            | <i>Cr.</i> 300,000   | * —300,000            |
| 7.                                                 | Stores - - - - -                   | <i>Cr.</i> 4,000,000 | 800,000               |
| 8.                                                 | Works, Buildings and Lands -       | 1,230,000            | * —280,000            |
| 9.                                                 | Miscellaneous Effective Services - | 800,000              | 200,000               |
| 10.                                                | Non-Effective Services - -         | 970,000              | 80,000                |
| TOTAL, ARMY (SUPPLEMENTARY),<br>1960-61 - - - - -£ |                                    | 5,500,000            | 1,650,000             |

\* Deficit.

## SCHEDULE (B).—PART 4

## AIR (SUPPLEMENTARY), 1960–61

SCHED. (B).  
Part 4.  
Air  
(Supple-  
mentary),  
1960–61.

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 1961, viz.:—

|                                                           | Sums not exceeding   |                       |
|-----------------------------------------------------------|----------------------|-----------------------|
|                                                           | Supply Grants        | Appropriations in Aid |
|                                                           | £                    | £                     |
| <b>Vote</b>                                               |                      |                       |
| 1. Pay, &c., of the Air Force - -                         | 2,800,000            | —                     |
| 3. Air Ministry - - - -                                   | 630,000              | * —80,000             |
| 4. Civilians at Outstations - -                           | 3,500,000            | * —460,000            |
| 5. Movements - - - -                                      | 1,160,000            | 630,000               |
| 6. Supplies - - - - -                                     | <i>Cr.</i> 1,300,000 | * —100,000            |
| 7. Aircraft and Stores - - -                              | 500,000              | 1,250,000             |
| 8. Works and Lands - - - -                                | <i>Cr.</i> 2,130,000 | * —2,870,000          |
| 9. Miscellaneous Effective Services -                     | 900,000              | * —550,000            |
| 10. Non-Effective Services - -                            | <i>Cr.</i> 60,000    | —                     |
| 11. Additional Married Quarters -                         | —                    | * —300,000            |
| <b>TOTAL, AIR (SUPPLEMENTARY),<br/>1960–61 - - - - -£</b> | <b>6,000,000</b>     | <b>* —2,480,000</b>   |

\* Deficit.

SCHED. (B).  
Part 5.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1960-61.

SCHEDULE (B).—PART 5

CIVIL AND REVENUE DEPARTMENTS  
(SUPPLEMENTARY), 1960-61

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 1961, viz.:—

|         |                                                                                                                                                                                                                                                                                                                                                                                               | Sums not exceeding |                       |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|         |                                                                                                                                                                                                                                                                                                                                                                                               | Supply Grants      | Appropriations in Aid |
| CIVIL   |                                                                                                                                                                                                                                                                                                                                                                                               | £                  | £                     |
| CLASS I |                                                                                                                                                                                                                                                                                                                                                                                               |                    |                       |
| Vote    |                                                                                                                                                                                                                                                                                                                                                                                               |                    |                       |
| 1.      | For the salaries and expenses of the House of Lords - - - -                                                                                                                                                                                                                                                                                                                                   | 10,687             | 1,400                 |
| 2.      | For the salaries and expenses of the House of Commons, including certain grants in aid - - - -                                                                                                                                                                                                                                                                                                | 39,485             | 810                   |
| 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 - - - - | 145,000            | 12,000                |
| 5.      | For the salaries and expenses of the Department of Her Majesty's most Honourable Privy Council - -                                                                                                                                                                                                                                                                                            | 10                 | 979                   |
| 7.      | For the salaries and expenses of the Charity Commission for England and Wales - - - -                                                                                                                                                                                                                                                                                                         | 12,600             | —                     |
| 8.      | For the salaries and expenses of the Civil Service Commission - -                                                                                                                                                                                                                                                                                                                             | 9,030              | *—2,510               |
| 9.      | For the salaries and expenses of the Crown Estate Office - - -                                                                                                                                                                                                                                                                                                                                | 8,732              | —                     |
|         | Carried forward - - - -£                                                                                                                                                                                                                                                                                                                                                                      | 225,544            | 12,679                |

\* Deficit.

SCHEDULE (B).—PART 5—*continued*

SCHED. (B).  
Part 5.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1960-61.

| CIVIL— <i>continued</i>   |                                                                                                                                                                                                                                                               | Sums not exceeding |                       |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                           |                                                                                                                                                                                                                                                               | Supply Grants      | Appropriations in Aid |
|                           |                                                                                                                                                                                                                                                               | £                  | £                     |
| Brought forward - - -     |                                                                                                                                                                                                                                                               | 225,544            | 12,679                |
| CLASS I— <i>continued</i> |                                                                                                                                                                                                                                                               |                    |                       |
| Vote                      |                                                                                                                                                                                                                                                               |                    |                       |
| 10.                       | For the salaries and expenses of the Department of the Comptroller and Auditor General - - - -                                                                                                                                                                | 98,000             | 10,000                |
| 11.                       | For the salaries and expenses of the Registry of Friendly Societies - -                                                                                                                                                                                       | 8,410              | *—10,500              |
| 12.                       | For the salaries and expenses of the Department of the Government Actuary - - - - -                                                                                                                                                                           | 10                 | 9,700                 |
| 13.                       | For a grant in aid of the Government Hospitality Fund - - - -                                                                                                                                                                                                 | 35,000             | —                     |
| 16.                       | For the salaries and expenses of the National Savings Committee - -                                                                                                                                                                                           | 20,000             | —                     |
| 17.                       | For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - - -                                                                                                                                  | 19,037             | *—690                 |
| 19.                       | For the salaries and other expenses of Royal Commissions, committees, special inquiries, &c., including provision for shorthand and a grant in aid - - - - -                                                                                                  | 21,000             | —                     |
| 21B.                      | For meeting certain payments of Civil Service remuneration consequential upon decisions to revise the London Weighting addition to national pay scales and to revise the scales of pay of Office Keepers, Paper Keepers, Messengers and certain allied grades | 825,733            | —                     |
| Carried forward - - - -£  |                                                                                                                                                                                                                                                               | 1,252,734          | 21,189                |

\* Deficit.

SCHED. (B).  
Part 5.  
Civil and  
Revenue  
Department  
(Supple-  
mentary)  
1960-61.

SCHEDULE (B).—PART 5—*continued*

| CIVIL— <i>continued</i>         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Sums not exceeding |                          |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Supply<br>Grants   | Appropriations<br>in Aid |
|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | £                  | £                        |
| Brought forward - - -           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 1,252,734          | 21,189                   |
| <b>CLASS I—<i>continued</i></b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                    |                          |
| Vote<br>22.                     | 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 probation services; expenses of inspection, training, superannuation, &c., in connection with the fire services in Scotland, and balances of grant in respect of expenditure incurred by fire authorities and joint fire committees during 1958-59 and earlier years; balances of grants in respect of expenses of school crossing patrols for 1958-59 and earlier years; a grant to the Legal Aid (Scotland) Fund; grants to electricity undertakings in connection with civil defence measures; and sundry other services including grants in aid - | 72,700             | 1,000                    |
| 23.                             | For the salaries and expenses of the Scottish Record Office - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 4,645              | 1,200                    |
| <b>CLASS II</b>                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                    |                          |
| 1.                              | For the salaries and expenses of the Department of Her Majesty's Secretary of State for Foreign Affairs, including Her Majesty's Missions and Consulates abroad, and the salaries of two Ministers of State -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 1,219,600          | 95,000                   |
| 2.                              | For sundry grants and services connected with Her Majesty's Foreign Service, including subscriptions to international organisations and grants in aid - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 3,205,144          | —                        |
| Carried forward - - - -£        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 5,754,823          | 118,389                  |



SCHEDULE (B).—PART 5—*continued*

SCHED. (B).  
Part 5.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1960-61.

|                                                                                                                                                                                                                                                                                                                                                                                   | Sums not exceeding |                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                   | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                   | £                  | £                     |
| <b>CIVIL—<i>continued</i></b>                                                                                                                                                                                                                                                                                                                                                     |                    |                       |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                             | 5,754,823          | 118,389               |
| <b>CLASS II—<i>continued</i></b>                                                                                                                                                                                                                                                                                                                                                  |                    |                       |
| <b>Vote</b>                                                                                                                                                                                                                                                                                                                                                                       |                    |                       |
| 4. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Commonwealth Relations, including oversea establishments, and the salary of the Minister of State for Commonwealth Relations - - - -                                                                                                                                                   | 98,680             | 10,500                |
| 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 - - - - | 7,205,550          | *—611,700             |
| 7. For the salaries and expenses of the Department of Her Majesty's Secretary of State for the Colonies, the salaries and expenses of the United Kingdom mission to Cyprus, and the salary of the Minister of State for Colonial Affairs - - - -                                                                                                                                  | 65,620             | 17,270                |
| 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; certain expenditure in connection with and grants in aid to Cyprus; and certain non-effective services - - - -                                                   | 2,503,455          | 152,290               |
| Carried forward - - - -£                                                                                                                                                                                                                                                                                                                                                          | 15,628,128         | *—313,251             |

\* Deficit.

SCHED. (B)  
Part 5.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1960-61.

SCHEDULE (B).—PART 5—*continued*

| CIVIL— <i>continued</i>   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Sums not exceeding |                       |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Supply Grants      | Appropriations in Aid |
|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | £                  | £                     |
| Brought forward - - -     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 15,628,128         | *—313,251             |
| CLASS III                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                    |                       |
| Vote                      | 1. For the salaries and expenses 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; expenses of inspection, training, superannuation, &c., in connection with the fire services in England and Wales, and balances of grants in respect of expenditure incurred by fire authorities during 1958-59 and earlier years; 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 - - - - - | 110,435            | 260,975               |
|                           | 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                                                                                                                                                                                                                                                                                                                                                                               | 3,691,130          | 26,060                |
|                           | 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 - - - - -                                                                                                                                                                                                                                               | 110,000            | 11,000                |
| Carried forward - - - - £ |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 19,539,693         | *—15,216              |

\* Deficit

SCHEDULE (B).—PART 5—*continued*

SCHED. (B).  
Part 5.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1960-61.

| CIVIL— <i>continued</i>     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Sums not exceeding |                       |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Supply Grants      | Appropriations in Aid |
| Brought forward - - -       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | £<br>19,539,693    | £<br>*—15,216         |
| CLASS III— <i>continued</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                    |                       |
| Vote                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                    |                       |
| 6.                          | For the salaries and expenses of the Carlisle State Management District, including the cost of provision and management of licensed premises -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 10                 | 97,790                |
| 7.                          | 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 acting and deputy metropolitan magistrates, payments to the Chancery Court of the County Palatine of Durham and expenses in connection with certain Advisory Committees - - - - | 40,058             | 151,150               |
| 8.                          | For salaries and expenses in connection with the County Courts - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 154,677            | 200,500               |
| 11.                         | For the salaries and expenses of the office of Public Trustee - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 10                 | 3,990                 |
| 12.                         | 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 - - - -                                                                                                                                                                                                                                                                | 48,000             | *—1,000               |
|                             | Carried forward - - -£                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 19,782,448         | 437,214               |

\* Deficit.

SCHED. (B).  
Part 5.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1960-61.

SCHEDULE (B).—PART 5—*continued*

| CIVIL— <i>continued</i>     |                                                                                                                                                                                                                                                                                                                                                                                                                  | Sums not exceeding |                          |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
|                             |                                                                                                                                                                                                                                                                                                                                                                                                                  | Supply<br>Grants   | Appropriations<br>in Aid |
|                             |                                                                                                                                                                                                                                                                                                                                                                                                                  | £                  | £                        |
| Brought forward - - -       |                                                                                                                                                                                                                                                                                                                                                                                                                  | 19,782,448         | 437,214                  |
| CLASS III— <i>continued</i> |                                                                                                                                                                                                                                                                                                                                                                                                                  |                    |                          |
| Vote                        |                                                                                                                                                                                                                                                                                                                                                                                                                  |                    |                          |
| 14.                         | For grants and expenses in connection with civil defence in Scotland, and certain civil defence and National Fire Service expenditure arising out of the war - - - - -                                                                                                                                                                                                                                           | 10                 | 18,890                   |
| 15.                         | For the salary and expenses of the Inspector of Constabulary, the cost of special services, and grants in respect of police expenditure in Scotland - - - - -                                                                                                                                                                                                                                                    | 648,380            | *—660                    |
| 18.                         | For the salaries and expenses of the State Management Districts in Scotland, including the cost of provision and management of licensed premises                                                                                                                                                                                                                                                                 | 10                 | 13,190                   |
| 19.                         | 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 -                                                                                             | 60,000             | 20,800                   |
| 20.                         | For the salaries and expenses of the Department of the Registers of Scotland - - - - -                                                                                                                                                                                                                                                                                                                           | 10                 | 7,681                    |
| 21.                         | 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 - - - - - | 12,295             | —                        |
| Carried forward - - - -£    |                                                                                                                                                                                                                                                                                                                                                                                                                  | 20,503,153         | 497,115                  |

\* Deficit.

## SCHEDULE (B).—PART 5—continued

SCHED. (B).  
Part 5.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1960-61.

| CIVIL—continued          |                                                                                                                                                                                                                                                                                                                           | Sums not exceeding |                       |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                          |                                                                                                                                                                                                                                                                                                                           | Supply Grants      | Appropriations in Aid |
|                          |                                                                                                                                                                                                                                                                                                                           | £                  | £                     |
| Brought forward - - -    |                                                                                                                                                                                                                                                                                                                           | 20,503,153         | 497,115               |
| 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, subscriptions to international organisations, grants in connection with physical training and recreation, and grants to approved associations for youth welfare - - - - | 10                 | 556,000               |
| 2.                       | For the salaries and expenses of the British Museum, including a grant in aid - - - - -                                                                                                                                                                                                                                   | 8,000              | —                     |
| 3.                       | For the salaries and expenses of the British Museum (Natural History), including a grant in aid - - -                                                                                                                                                                                                                     | 57,250             | 5,600                 |
| 4.                       | For the salaries and expenses of the Imperial War Museum, including a grant in aid - - - - -                                                                                                                                                                                                                              | 835                | 2,500                 |
| 5.                       | For the salaries and expenses of the London Museum, including a grant in aid - - - - -                                                                                                                                                                                                                                    | 3,280              | 30                    |
| 6.                       | For the salaries and expenses of the National Gallery, including a grant in aid - - - - -                                                                                                                                                                                                                                 | 3,000              | 2,555                 |
| 7.                       | For the salaries and expenses of the Tate Gallery, including a grant in aid                                                                                                                                                                                                                                               | 21,494             | 80                    |
| 8.                       | For the salaries and expenses of the National Maritime Museum, including a grant in aid - - - -                                                                                                                                                                                                                           | 9,119              | 228                   |
| 9.                       | For the salaries and expenses of the National Portrait Gallery, including a grant in aid - - - - -                                                                                                                                                                                                                        | 2,400              | 600                   |
| Carried forward - - - -£ |                                                                                                                                                                                                                                                                                                                           | 20,608,541         | 1,064,708             |

Z\*

SCHED. (B).  
Part 5.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1960-61.

SCHEDULE (B).—PART 5—*continued*

| CIVIL— <i>continued</i>    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Sums not exceeding |                       |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Supply Grants      | Appropriations in Aid |
|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | £                  | £                     |
| Brought forward - - -      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 20,608,541         | 1,064,708             |
| CLASS IV— <i>continued</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                    |                       |
| Vote                       | 10. For the salaries and expenses of the Wallace Collection - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 1,800              | 200                   |
|                            | 11. For grants in aid of certain institutions and bodies concerned with science, learning and the arts, and for other services in connection therewith -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 3,000              | —                     |
|                            | 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 grants in aid -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 31,755             | —                     |
|                            | 16. For the salaries and expenses of the National Museum of Antiquities of Scotland, including a grant in aid -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 2,780              | 40                    |
|                            | 17. For the salaries and expenses of the National Library, Scotland, including a grant in aid - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 8,761              | —                     |
| CLASS V                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                    |                       |
|                            | 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 redevelopment, town development, new towns, national parks, &c.; a contribution to the Ironstone Restoration Fund; grants in aid and sundry other services - | 2,261,450          | 4,000                 |
| Carried forward - - - -£   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 22,918,087         | 1,068,948             |

SCHEDULE (B).—PART 5—*continued*

SCHED. (B).  
Part 5.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1960-61.

| CIVIL— <i>continued</i>   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Sums not exceeding |                          |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Supply<br>Grants   | Appropriations<br>in Aid |
|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | £                  | £                        |
| Brought forward - - -     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 22,918,087         | 1,068,948                |
| CLASS V— <i>continued</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                    |                          |
| Vote                      | 3. For general grants, rate-deficiency grants and exchequer equalisation grants to local authorities in England and Wales - - - - -                                                                                                                                                                                                                                                                                                                                                                                           | 496,000            | —                        |
|                           | 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 -                                                                                          | 776,225            | *—97,040                 |
|                           | 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 - - | 42,137,415         | 7,342,035                |
|                           | 6. For a grant in aid of the Medical Research Council - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 204,000            | —                        |
|                           | 8. For the salaries and expenses of the War Damage Commission - -                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 48,305             | 7,315                    |
|                           | Carried forward - - - -£                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 66,580,032         | 8,321,258                |

\* Deficit.

Z\* 2

SCHED. (B).  
Part 5.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1960-61.

SCHEDULE (B).—PART 5—*continued*

| CIVIL— <i>continued</i>   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Sums not exceeding |                       |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Supply Grants      | Appropriations in Aid |
| Brought forward - - -     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | £<br>66,580,032    | £<br>8,321,258        |
| 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, coast protection, flood and storm damage, abating the pollution of the air, town and country planning and town development; for certain expenses in connection with civil defence; and for grants in aid and other services - - - - - | 53,500             | *—32,200              |
| 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 - - - - -                                                      | 5,212,010          | 846,990               |
| 12.                       | For general grants, equalisation and transitional grants to local authorities in Scotland - - - - -                                                                                                                                                                                                                                                                                                                                                                                                               | 40,000             | —                     |
| Carried forward - - - - - |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | £ 71,885,542       | 9,136,048             |

\* Deficit.



## SCHEDULE (B).—PART 5—continued

SCHED. (B).  
Part 5.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1960-61.

| CIVIL—continued                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Sums not exceeding |                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | £                  | £                     |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 71,885,542         | 9,136,048             |
| 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 - - - - -                                                                                                                                                                                                                                                                                                                                                | 503,500            | 202,600               |
| 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 - - - - -                                                                                                                                                                                                                                                                                                                                   | 10                 | *—1,500               |
| 3. For expenditure of the Board of Trade in connection with the maintenance and disposal of stocks formerly held for strategic purposes - - -                                                                                                                                                                                                                                                                                                                                                                                                 | 92,500             | —                     |
| 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 - -                                                                                                                                                                                                                                                                                            | 10                 | 1,281,690             |
| 8. For the salaries and expenses of the Ministry of Labour, 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; a subscription to the International Labour Organisation; grants in aid and sundry other services - - - | 1,111,500          | *—609,910             |
| Carried forward - - - -£                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 73,593,062         | 10,008,928            |

\* Deficit.

## SCHEDULE (B).—PART 5—continued

SCHED. (B).  
Part 5.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1960-61.

| CIVIL—continued         |                                                                                                                                                                                                                                                                                                                                                                                             | Sums not exceeding |                          |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
|                         |                                                                                                                                                                                                                                                                                                                                                                                             | Supply<br>Grants   | Appropriations<br>in Aid |
|                         |                                                                                                                                                                                                                                                                                                                                                                                             | £                  | £                        |
| Brought forward - - -   |                                                                                                                                                                                                                                                                                                                                                                                             | 73,593,062         | 10,008,928               |
| CLASS VII               |                                                                                                                                                                                                                                                                                                                                                                                             |                    |                          |
| Vote                    | 1. For the salaries and expenses of the<br>Ministry of Works - - - -                                                                                                                                                                                                                                                                                                                        | 2,100,000          | *—500,000                |
|                         | 3. For expenditure in respect of sundry<br>public buildings in the United King-<br>dom, including a grant in aid, and<br>sundry other services - - - -                                                                                                                                                                                                                                      | 1,215,000          | 345,000                  |
|                         | 4. For expenditure in respect of public<br>buildings overseas - - - -                                                                                                                                                                                                                                                                                                                       | 325,000            | 50,000                   |
|                         | 6. For expenditure in respect of Royal<br>parks and pleasure gardens - -                                                                                                                                                                                                                                                                                                                    | 8,000              | —                        |
|                         | 9. For stationery, printing, paper, bind-<br>ing, and printed books for the public<br>service; for the salaries and expenses<br>of the Stationery Office; and for<br>sundry miscellaneous services, in-<br>cluding reports of parliamentary<br>debates - - - - -                                                                                                                            | 950,010            | *—55,000                 |
| CLASS VIII              |                                                                                                                                                                                                                                                                                                                                                                                             |                    |                          |
|                         | 1. For the salaries and expenses of the<br>Ministry of Agriculture, Fisheries<br>and Food; of the Agricultural Land<br>Commission; of the Royal Botanic<br>Gardens, Kew; and of the White<br>Fish Authority and the Scottish<br>Committee thereof - - - -                                                                                                                                   | 1,861,300          | 40,000                   |
|                         | 2. For the Ministry of Agriculture, Fish-<br>eries and Food for grants and sub-<br>sidies to farmers and others for the<br>encouragement of food production<br>and the improvement of agriculture;<br>for payments and services in imple-<br>mentation of agricultural price<br>guarantees; and for certain other<br>services including a payment to the<br>Exchequer of Northern Ireland - | 4,869,000          | —                        |
| Carried forward - - - - |                                                                                                                                                                                                                                                                                                                                                                                             | -£ 84,921,372      | 9,888,928                |

\* Deficit.

SCHEDULE (B).—PART 5—*continued*

SCHED. (B).  
Part 5.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1960-61.

| CIVIL— <i>continued</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Sums not exceeding |                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | £                  | £                     |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 84,921,372         | 9,888,928             |
| <b>CLASS VIII—<i>continued</i></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                    |                       |
| 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; horticulture; certain trading services; subscriptions to international organisations; and sundry other services including certain expenses in connection with civil defence - - - | 3,855,890          | *—202,600             |
| 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 -                                                                                                                                                                                                                                                                                                                                                                                                            | 2,100,000          | —                     |
| 6. For the survey of Great Britain and other mapping services - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1,037,000          | 40,000                |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | -£ 91,914,262      | 9,726,328             |

\* Deficit.

SCHED. (B)  
Part 5.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1960-61.

SCHEDULE (B).—PART 5—*continued*

| CIVIL— <i>continued</i>      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Sums not exceeding |                          |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------------|
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Supply<br>Grants   | Appropriations<br>in Aid |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | £                  | £                        |
| Brought forward - - -        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 91,914,262         | 9,726,328                |
| CLASS VIII— <i>continued</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                    |                          |
| Vote                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                    |                          |
| 7.                           | For a grant in aid of the Agricultural Research Fund - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 335,000            | —                        |
| 10.                          | For a grant in aid of the Forestry Fund                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 80,000             | —                        |
| 11.                          | For the salaries and expenses of the Department of Agriculture and Fisheries 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; marine works in the congested districts; services in connection with livestock and compensation for slaughter of diseased animals; provision and operation of machinery; training and labour schemes; control of pests; agricultural education, research and advisory services; marketing; agricultural credits; expenses including subsidies in connection with certain transport services; and sundry other services - - - - | 800,000            | *—72,910                 |
| Carried forward - - -        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | £ 93,129,262       | 9,653,418                |

\* Deficit.

SCHEDULE (B).—PART 5—*continued*

SCHED. (B).  
Part 5.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1960-61.

| CIVIL— <i>continued</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Sums not exceeding |                       |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Supply Grants      | Appropriations in Aid |
|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | £                  | £                     |
| Brought forward - - -   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 93,129,262         | 9,653,418             |
| <b>CLASS IX</b>         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                    |                       |
| Vote                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                    |                       |
| 1.                      | For the salaries and expenses of the Ministry of Transport including the salaries and expenses of the Coast-guard, the Transport Tribunal, and the Inland Waterways Redevelopment Committee, subscriptions to international organisations, and sundry other services - - -                                                                                                                                                                                                                                                                                 | 507,700            | 50,850                |
| 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; de- velopment of nuclear propulsion for merchant ships; expenses in con- nection with replacement of s.s. "Queen Mary"; and expenses in respect of miscellaneous services connected with shipping, seamen, ir land transport and ports, including the repair of damage by flood and tempest, and certain special and other services - - - | 10                 | *—8,110               |
| 4.                      | For the salaries and expenses of the Ministry of Power, and expenses in connection with the licensing and insurance of nuclear installations, and with the nationalisation of the gas industry - - -                                                                                                                                                                                                                                                                                                                                                       | 108,290            | 43,900                |
| 6.                      | For the salaries and expenses of the Office of the Minister for Science -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 3,000              | —                     |
| 8.                      | For the salaries and expenses of the Department of Scientific and Industrial Research, including cer- tain subscriptions to international organisations - - -                                                                                                                                                                                                                                                                                                                                                                                              | 234,968            | 67,417                |
| Carried forward - - -   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | £ 93,983,230       | 9,807,475             |

\* Deficit.

SCHED. (B).  
Part 5.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1960-61.

SCHEDULE (B).—PART 5—*continued*

| CIVIL— <i>continued</i>  |                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Sums not exceeding |                       |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Supply Grants      | Appropriations in Aid |
|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                     | £                  | £                     |
| Brought forward - - -    |                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 93,983,230         | 9,807,475             |
| CLASS X                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                    |                       |
| Vote                     | 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 -                                                                                                                          | 10                 | 105,600               |
|                          | 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 from the residual proceeds of the sale of Japanese assets in the United Kingdom and other countries and of the Burma-Siam Railway; and other services, including payment of national service grants - - - | 90,000             | 766,000               |
|                          | 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 - - - - -                                                                                                                                                                                                                                                                                     | 500,000            | —                     |
|                          | 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.; and the maintenance of certain classes of Poles in Great Britain -                                                                                                                         | 4,707,000          | 350,000               |
| Carried forward - - - -£ |                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 99,280,240         | 11,029,075            |

SCHEDULE (B).—PART 5—*continued*

SCHED. (B).  
Part 5.  
Civil and  
Revenue  
Departments  
(Supple-  
mentary),  
1960-61.

| CIVIL— <i>continued</i>                                                                                                                              | Sums not exceeding  |                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------|
|                                                                                                                                                      | Supply Grants       | Appropriations in Aid |
|                                                                                                                                                      | £                   | £                     |
| Brought forward - - -                                                                                                                                | 99,280,240          | 11,029,075            |
| <b>REVENUE DEPARTMENTS</b>                                                                                                                           |                     |                       |
| Vote                                                                                                                                                 |                     |                       |
| 1. For the salaries and expenses of the Customs and Excise Department, including a subscription to an international organisation - - -               | 2,026,000           | 144,000               |
| 2. For the salaries and expenses of the Inland Revenue Department - -                                                                                | 1,459,000           | 23,000                |
| 3. For the salaries and expenses of the Post Office, including telegraphs and telephones; and subscriptions to certain international organisations - | 15,027,000          | 3,809,000             |
| <b>TOTAL, CIVIL AND REVENUE DEPARTMENTS (SUPPLEMENTARY), 1960-61 - - - -</b>                                                                         | <b>£117,792,240</b> | <b>15,005,075</b>     |

SCHED. (B).  
Part 6.  
Ministry of  
Defence,  
1961-62

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 1962, 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 - - - - - | 18,630,000         | 3,667,000             |



## SCHEDULE (B).—PART 7

SCHED. (B).  
Part 7.  
Navy.  
1961-62.

## 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 1962, 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 100,000, 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 - - - -                                                                                                             | 67,872,000         | 1,360,000             |
| 2. For victualling and clothing for the Navy, including the cost of victualling establishments at home and abroad - - - - -                                                  | 14,505,000         | 3,037,000             |
| 3. For the expense of medical services, including the cost of medical establishments at home and abroad -                                                                    | 1,433,000          | 38,500                |
| 4. For civilians employed on fleet services                                                                                                                                  | 8,503,000          | 32,000                |
| 5. For educational services - - -                                                                                                                                            | 1,800,000          | 190,000               |
| 6. For the expense of scientific services, including a grant in aid to the National Institute of Oceanography, and a subscription to the International Hydrographic Bureau - | 21,098,000         | 2,379,000             |
| 7. For the Royal Naval Reserve and the Royal Fleet Reserve, &c. - -                                                                                                          | 1,173,000          | 500                   |
| 8. Section I.—For the personnel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad - - -      | 47,453,000         | 490,000               |
| Carried forward - - -                                                                                                                                                        | -£163,837,000      | 7,527,000             |

SCHED. (B).  
Part 7.  
Navy,  
1961-62.

SCHEDULE (B).—PART 7—*continued*

| NAVY— <i>continued</i> |                                                                                                                                                                                | Sums not exceeding |                       |
|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                        |                                                                                                                                                                                | Supply Grants      | Appropriations in Aid |
|                        |                                                                                                                                                                                | £                  | £                     |
|                        | Brought forward - - -                                                                                                                                                          | 163,837,000        | 7,527,000             |
| 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 - - -        | 55,451,000         | 20,165,000            |
|                        | 8. Section III.—For contract work on shipbuilding, repairs, maintenance, &c. - - -                                                                                             | 97,673,000         | 12,127,000            |
|                        | 9. For naval armaments - - -                                                                                                                                                   | 25,975,000         | 5,752,000             |
|                        | 10. For works, buildings, machinery and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants and other charges connected therewith - - | 20,316,000         | 4,751,000             |
|                        | 11. For various miscellaneous effective services - - -                                                                                                                         | 11,890,900         | 3,000,000             |
|                        | 12. For the Admiralty Office - - -                                                                                                                                             | 10,533,000         | 45,000                |
|                        | 13. For non-effective services - - -                                                                                                                                           | 27,524,000         | 396,000               |
|                        | 14. For certain additional married quarters at home - - -                                                                                                                      | 100                | 800,000               |
|                        | TOTAL, NAVY SERVICES - - -                                                                                                                                                     | £413,200,000       | 54,563,000            |

## SCHEDULE (B).—PART 8

SCHED. (B).  
Part 8.  
Army,  
1961-62.

## 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 1962, including provision for Land Forces to a number not exceeding 283,000, 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 - -                                                                                                                                                                                                          | 133,170,000        | 6,710,000             |
| 2. For the Reserve Forces (to a number not exceeding 338,000 all ranks, including a number not exceeding 325,000 other ranks), Territorial Army (to a number not exceeding 275,700 all ranks), Cadet Forces and Malta Territorial Force - - - | 19,680,000         | 1,140,000             |
| 3. For the salaries, wages, &c., of the civilian staff of the War Office -                                                                                                                                                                    | 6,790,000          | 50,000                |
| 4. For civilians - - - - -                                                                                                                                                                                                                    | 108,310,000        | 1,410,000             |
| 5. For movements - - - - -                                                                                                                                                                                                                    | 27,650,000         | 1,360,000             |
| 6. For supplies, &c. - - - - -                                                                                                                                                                                                                | 39,610,000         | 8,380,000             |
| 7. For stores (including stores for research, design and development projects and inspection, disposal and certain capital and ancillary services relating thereto) (including a Supplementary sum of £10) - - - - -                          | 71,400,010         | 19,394,000            |
| 8. For works, buildings and lands - -                                                                                                                                                                                                         | 46,100,000         | 12,910,000            |
| 9. For miscellaneous effective services, including grants in aid - - -                                                                                                                                                                        | 8,520,000          | 4,080,000             |
| Carried forward - - -                                                                                                                                                                                                                         | £461,230,010       | 55,434,000            |

SCHED. (B)  
Part 8.  
Army,  
1961-62.

SCHEDULE (B).—PART 8—*continued*

| ARMY— <i>continued</i>                            |                                                                                                                                                                     | Sums not exceeding |                       |
|---------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                   |                                                                                                                                                                     | Supply Grants      | Appropriations in Aid |
|                                                   |                                                                                                                                                                     | £                  | £                     |
|                                                   | Brought forward - - -                                                                                                                                               | 461,230,010        | 55,434,000            |
| Vote                                              | 10. For non-effective services - - -                                                                                                                                | 39,470,000         | 560,000               |
|                                                   | 11. For certain additional married quarters                                                                                                                         | 100                | 3,050,000             |
|                                                   | TOTAL, ARMY SERVICES - - -                                                                                                                                          | £500,700,110       | 59,044,000            |
| Army, War Office Purchasing (Repayment) Services. |                                                                                                                                                                     |                    |                       |
|                                                   | For expenditure incurred by the War Office on the supply of munitions, common-user and other articles for the Government service, and on miscellaneous supply - - - | 100                | —                     |
| Army, Royal Ordnance Factories.                   |                                                                                                                                                                     |                    |                       |
|                                                   | For the expense of operating the Royal Ordnance Factories - - -                                                                                                     | 6,200,000          | 29,300,000            |

## SCHEDULE (B).—PART 9

## AIR

SCHED. (B).  
Part 9.  
Air,  
1961-62.

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 1962, including provision for officers, airmen and airwomen for Air Force Service to a number not exceeding 164,000, all ranks, in addition to reserve and auxiliary services, viz.:—

| Vote                                                                                                                                                                                   | Sums not exceeding  |                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------|
|                                                                                                                                                                                        | Supply Grants       | Appropriations in Aid |
|                                                                                                                                                                                        | £                   | £                     |
| 1. For the pay, &c., of the Air Force -                                                                                                                                                | 119,400,000         | 4,150,000             |
| 2. For the reserve and auxiliary services (to a number not exceeding 122,350, all ranks, for the Royal Air Force Reserve, and 1,900, all ranks, for the Royal Auxiliary Air Force) - - | 769,900             | 225,100               |
| 3. For the salaries, wages, &c., of civilian staff of the Air Ministry - - -                                                                                                           | 5,660,000           | 210,000               |
| 4. For the salaries, wages, &c., of civilians at outstations and the Meteorological Office - - - - -                                                                                   | 42,420,000          | 4,680,000             |
| 5. For movements - - - - -                                                                                                                                                             | 13,880,000          | 2,280,000             |
| 6. For supplies - - - - -                                                                                                                                                              | 61,890,000          | 6,680,000             |
| 7. For aircraft and stores - - -                                                                                                                                                       | 224,700,000         | 21,500,000            |
| 8. For works and lands - - - -                                                                                                                                                         | 38,900,000          | 23,600,000            |
| 9. For miscellaneous effective services, including certain grants in aid and a subscription to the World Meteorological Organisation - - -                                             | 4,190,000           | 4,545,000             |
| 10. For non-effective services - - -                                                                                                                                                   | 14,860,000          | 360,000               |
| 11. For certain additional married quarters                                                                                                                                            | 100                 | 2,100,000             |
| <b>TOTAL, AIR SERVICES - - -</b>                                                                                                                                                       | <b>£526,670,000</b> | <b>70,330,100</b>     |

SCHED. (B)  
Part 10.  
Civil.  
Class I.  
1961-62.

## SCHEDULE (B).—PART 10

## 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 1962, viz.:—

| Vote                                                                                                                                                                                                                                                                                                                                                                                               | Sums not exceeding |                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                    | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                    | £                  | £                     |
| 1. For the salaries and expenses of the House of Lords (including a Supplementary sum of £10) - - -                                                                                                                                                                                                                                                                                                | 251,233            | 21,155                |
| 2. For the salaries and expenses of the House of Commons, including certain grants in aid (including a Supplementary sum of £12,010) -                                                                                                                                                                                                                                                             | 1,631,958          | 6,350                 |
| 3. 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 - - - - - | 3,770,000          | 202,000               |
| 4. For the salaries and expenses of the Department of Her Majesty's most Honourable Privy Council - -                                                                                                                                                                                                                                                                                              | 46,036             | 2,500                 |
| 5. For the salary of the Lord Privy Seal -                                                                                                                                                                                                                                                                                                                                                         | 5,000              | —                     |
| 6. For the salaries of Post Office Ministers - - - - -                                                                                                                                                                                                                                                                                                                                             | 7,500              | —                     |
| 7. For the salaries and expenses of the Charity Commission for England and Wales - - - - -                                                                                                                                                                                                                                                                                                         | 219,598            | 500                   |
| 8. For the salaries and expenses of the Civil Service Commission - -                                                                                                                                                                                                                                                                                                                               | 594,710            | 148,650               |
| Carried forward - - - - -                                                                                                                                                                                                                                                                                                                                                                          | £ 6,526,035        | 381,155               |

SCHEDULE (B).—PART 10—*continued*

SCHED. (B).  
Part 10.  
Civil.  
Class I.  
1961-62.

|                                                                                                                                                                                                                                                      | Sums not exceeding |                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                      | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                      | £                  | £                     |
| CIVIL— <i>continued</i>                                                                                                                                                                                                                              |                    |                       |
| Brought forward - - -                                                                                                                                                                                                                                | 6,526,035          | 381,155               |
| CLASS I— <i>continued</i>                                                                                                                                                                                                                            |                    |                       |
| Vote                                                                                                                                                                                                                                                 |                    |                       |
| 9. For the salaries and expenses of the Crown Estate Office - - -                                                                                                                                                                                    | 167,262            | —                     |
| 10. For the salaries and expenses of the Department of the Comptroller and Auditor General - - -                                                                                                                                                     | 613,700            | 135,375               |
| 11. For the salaries and expenses of the Registry of Friendly Societies - -                                                                                                                                                                          | 115,509            | 8,350                 |
| 12. For the salaries and expenses of the Department of the Government Actuary - - - - -                                                                                                                                                              | 43,728             | 31,000                |
| 13. For a grant in aid of the Government Hospitality Fund - - - -                                                                                                                                                                                    | 100,000            | —                     |
| 14. For the salaries and expenses of the Royal Mint, including the withdrawal of coin from circulation, the purchase of metals and production of coins, medals, badges, dies for postage and other stamps, and Her Majesty's and other seals - - - - | 100                | 4,230,400             |
| 15. For the salaries and expenses of the National Debt Office and Pensions Commutation Board - - -                                                                                                                                                   | 100                | 63,850                |
| 16. For the salaries and expenses of the National Savings Committee - -                                                                                                                                                                              | 1,414,105          | —                     |
| 17. For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - - -                                                                                                                     | 164,592            | 15,540                |
| Carried forward - - - -£                                                                                                                                                                                                                             | 9,145,131          | 4,865,670             |

SCHED. (B).  
Part 10.  
Civil.  
Class I.  
1961-62.

SCHEDULE (B).—PART 10—*continued*

| CIVIL— <i>continued</i>         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Sums not exceeding |                       |
|---------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Supply Grants      | Appropriations in Aid |
| Brought forward - - -           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | £<br>9,145,131     | £<br>4,865,670        |
| CLASS I— <i>continued</i>       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                    |                       |
| Vote                            | 18. For the salaries of the establishment under the Public Works Loan Commission and the expenses of the Commission - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                | 100                | 46,265                |
|                                 | 19. For the salaries and other expenses of Royal Commissions, committees, special inquiries, &c., including provision for shorthand and a grant in aid - - - - -                                                                                                                                                                                                                                                                                                                                                                                             | 364,000            | —                     |
|                                 | 20. For Her Majesty's foreign and other secret services - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 7,000,000          | —                     |
|                                 | 21. For certain miscellaneous expenses, including certain grants in aid - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 702,795            | 5,345                 |
|                                 | 21A. For repayments to the Civil Contingencies Fund of certain miscellaneous advances - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 75,645             | —                     |
|                                 | 22. 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 probation services; expenses of inspection, training, superannuation, &c., in connection with the fire services in Scotland; a grant to the Legal Aid (Scotland) Fund; grants to electricity undertakings in connection with civil defence measures; and sundry other services, including grants in aid (including a Supplementary sum of £10,000) | 1,440,285          | 34,353                |
|                                 | 23. For the salaries and expenses of the Scottish Record Office - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 53,445             | 16,920                |
| TOTAL, CIVIL, CLASS I - - - - - |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | £18,781,401        | 4,968,553             |



## 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 1962, viz.:—

SCHED. (B).  
Part 11.  
Civil.  
Class II.  
1961-62.

| Vote                                                                                                                                                                                                                                                                                                                                                                                                                                            | Sums not exceeding |                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                 | £                  | £                     |
| 1. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Foreign Affairs, including Her Majesty's Missions and Consulates abroad, and the salary of a Minister of State (Revised sum) -                                                                                                                                                                                                                       | 18,821,180         | 2,517,680             |
| 2. For sundry grants and services connected with Her Majesty's Foreign Service, including subscriptions to international organisations and grants in aid (Revised sum) (including a Supplementary sum of £5,194,814) - - - - -                                                                                                                                                                                                                  | 24,428,550         | 599,860               |
| 3. For a grant in aid of the British Council - - - - -                                                                                                                                                                                                                                                                                                                                                                                          | 3,853,300          | —                     |
| 4. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Commonwealth Relations, including oversea establishments, and the salary of the Minister of State for Commonwealth Relations (Revised sum) - -                                                                                                                                                                                                       | 4,516,600          | 143,450               |
| 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 (Revised sum) (including a Supplementary sum of £1,010,160) - - - - - | 18,137,264         | 963,400               |
| Carried forward - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                       | £ 69,756,894       | 4,224,390             |

SCHED. (B).  
Part 11.  
Civil.  
Class II.  
1961-62.

SCHEDULE (B).—PART 11—*continued*

|                                                                                                                                                                                                                                                                                                                             | Sums not exceeding |                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                             | Supply Grants      | Appropriations in Aid |
| CIVIL— <i>continued</i>                                                                                                                                                                                                                                                                                                     |                    |                       |
|                                                                                                                                                                                                                                                                                                                             | £                  | £                     |
| Brought forward - - -                                                                                                                                                                                                                                                                                                       | 69,756,894         | 4,224,390             |
| CLASS II— <i>continued</i>                                                                                                                                                                                                                                                                                                  |                    |                       |
| Vote                                                                                                                                                                                                                                                                                                                        |                    |                       |
| 6. For expenses connected with oversea settlement, including grants in aid -                                                                                                                                                                                                                                                | 173,100            | 850                   |
| 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 (Revised sum) -                                                                                                                                       | 1,604,410          | 67,660                |
| 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 Governments of Palestine and Cyprus; and certain non-effective services (Revised sum) (including a Supplementary sum of £5,103,910) | 30,545,861         | 117,107               |
| 9. For schemes made under the Colonial Development and Welfare Act for the development of the resources of territories for which the Colonial Office is responsible, and the welfare of their peoples (Revised sum) -                                                                                                       | 22,428,270         | 44,133                |
| 10. For schemes made under the Colonial Development and Welfare Act for the development of the resources of the Federation of Rhodesia and Nyasaland, and of the High Commission Territories of Basutoland, Bechuanaland Protectorate and Swaziland, and the welfare of their peoples - - - - -                             | 2,050,000          | —                     |
| 11. For certain expenses of the Commonwealth War Graves Commission, including purchase of land in the United Kingdom and a grant in aid -                                                                                                                                                                                   | 1,133,036          | —                     |
| Carried forward - - -                                                                                                                                                                                                                                                                                                       | £127,691,571       | 4,454,140             |

SCHEDULE (B).—PART 11—*continued*

SCHED. (B).  
Part 11.  
Civil.  
Class II.  
1961-62.

| CIVIL— <i>continued</i>                                                                                                                                                                                                                                                                                                                      | Sums not exceeding   |                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                              | Supply Grants        | Appropriations in Aid |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                        | £ 127,691,571        | £ 4,454,140           |
| <b>CLASS II—<i>continued</i></b>                                                                                                                                                                                                                                                                                                             |                      |                       |
| Vote 12. For the salaries and expenses of the Department of Technical Co-operation, and for sundry foreign, Commonwealth and Colonial services, including a subscription to an international organisation, certain grants in aid and certain expenditure in respect of schemes made under the Colonial Development and Welfare Act - - - - - | 18,020,452           | 558,793               |
| <b>TOTAL, CIVIL, CLASS II - - -</b>                                                                                                                                                                                                                                                                                                          | <b>£ 145,712,023</b> | <b>5,012,933</b>      |

SCHED. (B).  
Part 12.  
Civil.  
Class III.  
1961-62.

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 1962, viz.:—

| Vote                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Sums not exceeding |                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | £                  | £                     |
| 1. For the salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department and subordinate offices; grants towards the expenses of the probation of offenders and of magistrates' courts; expenses of inspection, training, superannuation, &c., in connection with the fire services in England and Wales, and balances of grants in respect of expenditure incurred by fire authorities during 1958-59 and earlier years; certain grants in aid; legal aid in criminal cases; and sundry other services - | 7,341,280          | 2,713,390             |
| 2. For grants and expenses in connection with civil defence, and certain civil defence and National Fire Service expenditure arising out of the war -                                                                                                                                                                                                                                                                                                                                                                                       | 10,292,890         | 536,100               |
| 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 Organisation - - - - -                                                                                                                                                                                                                                                                  | 64,209,753         | 464,410               |
| 4. For the salaries and expenses of the office of the Prison Commissioners and of prisons, borstal institutions, detention and remand centres in England and Wales - - - -                                                                                                                                                                                                                                                                                                                                                                  | 19,221,552         | 1,226,000             |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | £101,065,475       | 4,939,900             |

## SCHEDULE (B).—PART 12—continued

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Sums not exceeding |                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Supply Grants      | Appropriations in Aid |
| <b>CIVIL—continued</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                    |                       |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | £ 101,065,475      | £ 4,939,900           |
| <b>CLASS III—continued</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                    |                       |
| Vote 5. For grants in respect of the expenses of the managers of approved schools in England and Wales; grants towards the expenses of local authorities in respect of remand homes; 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 - - -                                                                                                                                                           | 3,027,600          | 145,100               |
| 6. For the salaries and expenses of the Carlisle State Management District, including the cost of provision and management of licensed premises -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 100                | 2,176,090             |
| 7. 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 acting and deputy metropolitan magistrates, payments to the Chancery Court of the County Palatine of Durham and expenses in connection with certain Advisory Committees - - - - | 263,325            | 2,218,000             |
| 8. For salaries and expenses in connection with the County Courts - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 722,700            | 3,379,700             |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | £105,079,200       | 12,858,790            |

SCHED. (B).  
Part 12.  
Civil.  
Class III.  
1961-62.

SCHED. (B).  
Part 12.  
Civil.  
Class III.  
1961-62.

SCHEDULE (B).—PART 12—*continued*

|                                                                                                                                                                                                                                                                                                                                                                            | Sums not exceeding |                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                            | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                            | £                  | £                     |
| <i>CIVIL—continued</i>                                                                                                                                                                                                                                                                                                                                                     |                    |                       |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                      | 105,079,200        | 12,858,790            |
| <i>CLASS III—continued</i>                                                                                                                                                                                                                                                                                                                                                 |                    |                       |
| Vote                                                                                                                                                                                                                                                                                                                                                                       |                    |                       |
| 9. For a grant to the Legal Aid Fund -                                                                                                                                                                                                                                                                                                                                     | 2,894,470          | —                     |
| 10. For the salaries and expenses of the office of Land Registry - - -                                                                                                                                                                                                                                                                                                     | 100                | 1,819,470             |
| 11. For the salaries and expenses of the office of Public Trustee - - -                                                                                                                                                                                                                                                                                                    | 100                | 538,700               |
| 12. 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 - - - - - | 828,308            | 218,000               |
| 13. For certain miscellaneous legal expenses - - - - -                                                                                                                                                                                                                                                                                                                     | 69,150             | —                     |
| 14. For grants and expenses in connection with civil defence in Scotland, and certain civil defence and National Fire Service expenditure arising out of the war - - - - -                                                                                                                                                                                                 | 1,064,248          | 57,585                |
| 15. For the salary and expenses of the Inspector of Constabulary, the cost of special services, and grants in respect of police expenditure in Scotland - - - - -                                                                                                                                                                                                          | 6,977,615          | 14,940                |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                                                      | £116,913,191       | 15,507,485            |

## SCHEDULE (B).—PART 12—continued

SCHED. (B).  
Part 12.  
Civil.  
Class III.  
1961-62.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Sums not exceeding |                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | £                  | £                     |
| CIVIL—continued                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                    |                       |
| Brought forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                               | 116,913,191        | 15,507,485            |
| CLASS III—continued                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                    |                       |
| Vote                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                    |                       |
| 16. For salaries and expenses in connection with the administration of Scottish prisons, borstal institutions, detention and remand centres - - -                                                                                                                                                                                                                                                                                                                   | 1,804,985          | 235,300               |
| 17. For grants in respect of the expenses of the managers of approved schools in Scotland; grants towards the expenses of local authorities in respect of remand homes; 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 - - - - - | 495,330            | 7,020                 |
| 18. For the salaries and expenses of the State Management Districts in Scotland, including the cost of provision and management of licensed premises                                                                                                                                                                                                                                                                                                                | 100                | 511,690               |
| 19. 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 - -                                                                                                                                          | 473,914            | 350,000               |
| 20. For the salaries and expenses of the Department of the Registers of Scotland - - - - -                                                                                                                                                                                                                                                                                                                                                                          | 100                | 230,109               |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                               | £119,687,620       | 16,841,604            |

SCHED. (B).  
Part 12.  
CIVIL.  
Class III.  
1961-62.

SCHEDULE (B).—PART 12—*continued*

| CIVIL— <i>continued</i>       |                                                                                                                                                                                                                                                                                                                                                                                                                  | Sums not exceeding |                       |
|-------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                               |                                                                                                                                                                                                                                                                                                                                                                                                                  | Supply Grants      | Appropriations in Aid |
|                               |                                                                                                                                                                                                                                                                                                                                                                                                                  | £                  | £                     |
| Brought forward - - -         |                                                                                                                                                                                                                                                                                                                                                                                                                  | 119,687,620        | 16,841,604            |
| CLASS III— <i>continued</i>   |                                                                                                                                                                                                                                                                                                                                                                                                                  |                    |                       |
| Vote                          |                                                                                                                                                                                                                                                                                                                                                                                                                  |                    |                       |
| 21.                           | 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 - - - - - | 88,850             | 27,755                |
| 22.                           | 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 - - - - -                                                                                                                                                                                                                         | 1,161,190          | 95                    |
| TOTAL, CIVIL, CLASS III - - - |                                                                                                                                                                                                                                                                                                                                                                                                                  | -£120,937,660      | 16,869,454            |



## SCHEDULE (B).—PART 13

SCHED. (B).  
Part 13.  
Civil.  
Class IV.  
1961-62.

## 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 1962, 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, subscriptions to international organisations, grants in connection with physical training and recreation, and grants to approved associations for youth welfare - - - | 93,677,991         | 40,388,395            |
| 2. For the salaries and expenses of the British Museum, including a grant in aid - - - - -                                                                                                                                                                                                                                  | 887,438            | 182,900               |
| 3. For the salaries and expenses of the British Museum (Natural History), including a grant in aid - - -                                                                                                                                                                                                                    | 582,668            | 16,530                |
| 4. For the salaries and expenses of the Imperial War Museum, including a grant in aid - - - - -                                                                                                                                                                                                                             | 61,734             | 5,000                 |
| 5. For the salaries and expenses of the London Museum, including a grant in aid - - - - -                                                                                                                                                                                                                                   | 49,705             | 385                   |
| 6. For the salaries and expenses of the National Gallery, including a grant in aid (including a Supplementary sum of £163,500) - - - - -                                                                                                                                                                                    | 374,248            | 3,295                 |
| 7. For the salaries and expenses of the Tate Gallery, including a grant in aid - - - - -                                                                                                                                                                                                                                    | 111,868            | 940                   |
| Carried forward - - - -£                                                                                                                                                                                                                                                                                                    | 95,745,652         | 40,597,445            |

SCHED. (B).  
Part 13.  
Civil.  
Class IV.  
1961-62.

SCHEDULE (B).—PART 13—*continued*

| CIVIL— <i>continued</i>   |                                                                                                                                                                                                                                                                             | Sums not exceeding |                       |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                           |                                                                                                                                                                                                                                                                             | Supply Grants      | Appropriations in Aid |
|                           |                                                                                                                                                                                                                                                                             | £                  | £                     |
| Brought forward - - - - - |                                                                                                                                                                                                                                                                             | 95,745,652         | 40,597,445            |
| <i>CLASS IV—continued</i> |                                                                                                                                                                                                                                                                             |                    |                       |
| Vote                      | 8. For the salaries and expenses of the National Maritime Museum, including a grant in aid - - - - -                                                                                                                                                                        | 88,207             | 300                   |
|                           | 9. For the salaries and expenses of the National Portrait Gallery, including a grant in aid (including a Supplementary sum of £1,925) - - - - -                                                                                                                             | 44,511             | 3,205                 |
|                           | 10. For the salaries and expenses of the Wallace Collection - - - - -                                                                                                                                                                                                       | 46,188             | 4,200                 |
|                           | 11. For grants in aid of certain institutions and bodies concerned with science, learning and the arts, and for other services in connection therewith (including a Supplementary sum of £8 000) - - - - -                                                                  | 2,582,495          | 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 - | 83,033,060         | 10                    |
|                           | 13. For grants to and grants in aid of the British Broadcasting Corporation, and for paying the Postmaster General for discharging his functions in relation to Broadcasting - - -                                                                                          | 47,522,000         | 302,000               |
|                           | 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 (including a Supplementary sum of £3,470,600) - - - - -                                        | 17,506,719         | 4,894,430             |
| Carried forward - - - - - |                                                                                                                                                                                                                                                                             | £246,568,832       | 45,801,640            |

SCHEDULE (B).—PART 13—*continued*SCHED. (B).  
Part 13.  
Civil.  
Class IV.  
1961-62.

|                                                                                                                                                                                          | Sums not exceeding  |                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|-----------------------|
|                                                                                                                                                                                          | Supply Grants       | Appropriations in Aid |
| <b>CIVIL—<i>continued</i></b>                                                                                                                                                            |                     |                       |
|                                                                                                                                                                                          | £                   | £                     |
| Brought forward - - -                                                                                                                                                                    | 246,568,832         | 45,801,640            |
| <b>CLASS IV—<i>continued</i></b>                                                                                                                                                         |                     |                       |
| <b>Vote</b>                                                                                                                                                                              |                     |                       |
| 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 grants in aid - | 83,032              | 3,800                 |
| 16. For the salaries and expenses of the National Museum of Antiquities of Scotland, including a grant in aid -                                                                          | 28,983              | 110                   |
| 17. For the salaries and expenses of the National Library, Scotland, including a grant in aid - - - - -                                                                                  | 104,351             | 5,293                 |
| <b>TOTAL, CIVIL, CLASS IV - - -</b>                                                                                                                                                      | <b>£246,785,198</b> | <b>45,810,843</b>     |

## SCHEDULE (B).—PART 14

SCHED. (B),  
Part 14.  
Civil.  
Class V.  
1961-62.

## 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 1962, viz.:—

| Vote                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Sums not exceeding |                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | £                  | £                     |
| 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; the remuneration of the Commission for the New Towns; 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; expenses in connection with the safe disposal or accumulation of radioactive waste; grants in aid and sundry other services (including a Supplementary sum of £268,000) - | 15,741,159         | 790,000               |
| 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 - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 74,941,970         | 1,699,500             |
| Carried forward - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 90,683,129         | 2,489,500             |

## SCHEDULE (B).—PART 14—continued

SCHED. (B).  
Part 14.  
Civil.  
Class V.  
1961-62.

| CIVIL—continued     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Sums not exceeding |                       |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Supply Grants      | Appropriations in Aid |
| Brought forward - - |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | £<br>90,683,129    | £<br>2,489,500        |
| CLASS V—continued   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                    |                       |
| Vote                | 3. For general grants, rate-deficiency grants and exchequer equalisation grants to local authorities in England and Wales - - -                                                                                                                                                                                                                                                                                                                                                                                                   | 559,922,000        | —                     |
|                     | 4. For the salaries and expenses of the Ministry of Health; 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 (including a Supplementary sum of £710,000) - -                                                                         | 28,512,965         | 4,967,045             |
|                     | 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 - - - - | 533,945,790        | 185,122,045           |
|                     | 6. For a grant in aid of the Medical Research Council - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 5,599,000          | —                     |
|                     | Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | £1,218,662,884     | 192,578,590           |

2 A\*

SCHED. (B).  
Part 14.  
Civil.  
Class V.  
1961-62.

SCHEDULE (B).—PART 14—*continued*

| CIVIL— <i>continued</i>   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Sums not exceeding |                       |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Supply Grants      | Appropriations in Aid |
|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | £                  | £                     |
| Brought forward - -       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 1,218,662,884      | 192,578,590           |
| CLASS V— <i>continued</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                    |                       |
| Vote                      | 7. For the salaries and expenses of the of the Department of the Registrar General - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 2,570,430          | 416,415               |
|                           | 8. For the salaries and expenses of the War Damage Commission - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 360,105            | 3,215                 |
|                           | 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, coast protection, flood prevention, flood and storm damage, abating the pollution of the air, town and country planning and town development; for certain expenses in connection with civil defence; expenses in connection with the safe disposal or accumulation of radioactive waste; and for a grant in aid and other services - - | 6,198,790          | 481,025               |
|                           | 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                                                                                                                                                                | 66,237,000         | 21,293,265            |
| Carried forward - -       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | £ 1,294,029,209    | 214,772,510           |

SCHEDULE (B).—PART 14—*continued*SCHED. (B).  
Part 14.  
Civil.  
Class V.  
1961-62.

| CIVIL— <i>continued</i>     |                                                                                                                                                         | Sums not exceeding |                       |
|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                             |                                                                                                                                                         | Supply Grants      | Appropriations in Aid |
|                             |                                                                                                                                                         | £                  | £                     |
| Brought forward . . .       |                                                                                                                                                         | 1,294,029,209      | 214,772,510           |
| CLASS V— <i>continued</i>   |                                                                                                                                                         |                    |                       |
| Vote                        | 11. For grants and other payments in respect of the provision, reconditioning, maintenance and improvement of housing accommodation in Scotland - - - - | 19,704,240         | 353,710               |
|                             | 12. For general grants, equalisation and transitional grants to local authorities in Scotland - - - -                                                   | 73,350,000         | —                     |
|                             | 13. For the salaries and expenses of the Department of the Registrar General of Births, Deaths and Marriages in Scotland - -                            | 389,160            | 15,240                |
| TOTAL, CIVIL, CLASS V - - - |                                                                                                                                                         | 1,387,472,609      | 215,141,460           |

SCHED. (B).  
Part 15.  
Civil.  
Class VI.  
1961-62.

SCHEDULE (B).—PART 15

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 1962, viz.:—

|                                                                                                                                                                                                                                                    | Sums not exceeding |                       |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                    | Supply Grants      | Appropriations in Aid |
| Vote                                                                                                                                                                                                                                               | £                  | £                     |
| 1. For the salaries and expenses of the office of the Committee of Privy Council for Trade and subordinate departments, the Monopolies Commission, and the Performing Right Tribunal - - - - -                                                     | 6,246,950          | 2,741,150             |
| 2. For the expenditure of the Board of Trade on the promotion of trade, exports and industrial efficiency and on trading and other services; subscriptions to international organisations and grants in aid - - -                                  | 8,621,635          | 39,400                |
| 3. For expenditure of the Board of Trade in connection with the maintenance and disposal of stocks formerly held for strategic purposes - - -                                                                                                      | 480,000            | —                     |
| 4. For the promotion of local employment                                                                                                                                                                                                           | 30,026,250         | 100,000               |
| 5. For the salaries and expenses of the Office of the Registrar of Restrictive Trading Agreements - - -                                                                                                                                            | 163,950            | —                     |
| 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                | 7,331,715             |
| Carried forward - - - -£                                                                                                                                                                                                                           | 45,538,885         | 10,212,265            |



SCHEDULE (B).—PART 15—*continued*

SCHED. (B).  
Part 15.  
Civil.  
Class VI.  
1961-62.

| CIVIL— <i>continued</i>    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Sums not exceeding |                       |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Supply Grants      | Appropriations in Aid |
|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | £                  | £                     |
| Brought forward - - -      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 45,538,885         | 10,212,265            |
| CLASS VI— <i>continued</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                    |                       |
| Vote                       | 7. For payments under Special Guarantees given in the national interest by the Board of Trade on which consultation with the Export Guarantees Advisory Council is not required -                                                                                                                                                                                                                                                                                                                                                                                                            | 100                | 74,900                |
|                            | 8. For the salaries and expenses of the Ministry of Labour, 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 Service; 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 - - - - | 24,317,000         | 4,717,000             |
|                            | 9. For the salaries and expenses of the Ministry of Aviation for the administration of supply (including research and development, production, inspection, storage, disposal and capital and ancillary services related thereto); for administrative services in connection with civil aviation (including the salaries and expenses of the Air Transport Licensing Board and the Air Transport Advisory Council) and the aircraft, light metals and electronics industries; and for miscellaneous services, including a grant in aid - - - -                                                | 222,300,000        | 30,700,000            |
| Carried forward - - -      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | -£292,155,985      | 45,704,165            |

SCHED. (B).  
Part 15.  
Civil.  
Class VI.  
1961-62.

SCHEDULE (B).—PART 15—continued

| CIVIL—continued              |                                                                                                                                                                                                                          | Sums not exceeding |                      |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------------|
|                              |                                                                                                                                                                                                                          | Supply Grants      | Appropriation in Aid |
|                              |                                                                                                                                                                                                                          | £                  | £                    |
| Brought forward - - -        |                                                                                                                                                                                                                          | 292,155,985        | 45,704,165           |
| CLASS VI—continued           |                                                                                                                                                                                                                          |                    |                      |
| Vote                         | 10. 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 - - - | 3,000,000          | 10,300,000           |
|                              | 11. For expenditure of the Ministry of Aviation on the supply of aircraft and other equipment for the Government service, and on miscellaneous supply                                                                    | 9,000,000          | —                    |
| TOTAL, CIVIL, CLASS VI - - - |                                                                                                                                                                                                                          | £304,155,985       | 56,004,165           |

## SCHEDULE (B).—PART 16

SCHED. (B).  
Part 16.  
Civil.  
Class VII.  
1961-62.

## 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 1962, viz.:—

| Vote                                                                                                                                                                              | Sums not exceeding |                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                   | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                   | £                  | £                     |
| 1. For the salaries and expenses of the Ministry of Works - - - -                                                                                                                 | 7,395,000          | 4,820,000             |
| 2. For expenditure in respect of Houses of Parliament buildings - - -                                                                                                             | 464,500            | 2,100                 |
| 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 £225,000) - | 31,975,000         | 6,794,500             |
| 3A. For the cost of a memorial to the memory of the late Earl of Balfour -                                                                                                        | 10,250             | —                     |
| 3B. For the cost of a memorial to the memory of the late Viscount Trenchard -                                                                                                     | 9,350              | —                     |
| 4. For expenditure in respect of public buildings overseas (including a Supplementary sum of £680,000) - -                                                                        | 4,982,000          | 250,000               |
| 5. For expenditure in respect of Royal Palaces, including a grant in aid -                                                                                                        | 807,000            | 44,000                |
| 6. For expenditure in respect of Royal parks and pleasure gardens - -                                                                                                             | 1,023,500          | 112,000               |
| 7. For grants and expenses in connection with historic buildings and ancient monuments, including a grant in aid                                                                  | 1,297,000          | 175,000               |
| Carried forward - - - -£                                                                                                                                                          | 47,963,600         | 12,197,600            |

SCHED. (B).  
Part 16.  
Civil.  
Class VII.  
1961-62.

SCHEDULE (B).—PART 16—*continued*

| CIVIL— <i>continued</i>      |                                                                                                                                                                                                                                                                                                                                                                                                                              | Sums not exceeding |                       |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                              | Supply Grants      | Appropriations in Aid |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                              | £                  | £                     |
| Brought forward - - -        |                                                                                                                                                                                                                                                                                                                                                                                                                              | 47,963,600         | 12,197,600            |
| 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 - - - - - | 18,948,313         | 5,758,600             |
| 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 - - - - -                                                                                                                                                                                      | 15,900,100         | 10,740,000            |
| 10.                          | For the salaries and expenses of the Central Office of Information - -                                                                                                                                                                                                                                                                                                                                                       | 4,749,000          | 1,381,800             |
| TOTAL, CIVIL, CLASS VII - -£ |                                                                                                                                                                                                                                                                                                                                                                                                                              | 87,561,013         | 30,078,000            |

SCHED. (B).  
Part 17.  
Civil.  
Class VIII.  
1961-62.

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 1962, viz.:—

| Vote                                                                                                                                                                                                                                                                                                                                                                                                         | Sums not exceeding |                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                              | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                              | £                  | £                     |
| 1. For the salaries and expenses of the Ministry of Agriculture, Fisheries and Food; of the Agricultural Land Commission; of the Royal Botanic Gardens, Kew; and of the White Fish Authority and the Scottish Committee thereof - - - -                                                                                                                                                                      | 21,228,915         | 259,075               |
| 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 £10,500) - - - - | 234,763,730        | 226,010               |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                                        | £255,992,645       | 485,085               |

SCHED. (B).  
Part 17.  
Civil.  
Class VIII.  
1961-62.

SCHEDULE (B).—PART 17—*continued*

| CIVIL— <i>continued</i>      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Sums not exceeding |                       |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Supply Grants      | Appropriations in Aid |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | £                  | £                     |
| Brought forward - - -        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 255,992,645        | 485,085               |
| 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 smallholdings; services in connection with livestock, and compensation for slaughter of diseased animals; provision and operation of machinery; training and supplementary labour schemes; control of pests; education, research and advisory services; marketing; agricultural credits; horticulture; certain trading services; subscriptions to international organisations; and sundry other services including certain expenses in connection with civil defence (including a Supplementary sum of £30,000) - - - | 11,440,065         | 5,208,170             |
| 4.                           | For expenditure of the Ministry of Agriculture, Fisheries and Food in connection with the procurement and maintenance of strategic reserves -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 2,274,000          | 12,900,000            |
| 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 - -                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 8,672,190          | 17,660                |
| Carried forward - - -        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | £278,378,900       | 18,610,915            |

SCHEDULE (B).—PART 17—*continued*SCHED. (B).  
Part 17.  
Civil.  
Class VIII.  
1961-62.

| CIVIL— <i>continued</i>      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Sums not exceeding |                       |
|------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Supply Grants      | Appropriations in Aid |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | £                  | £                     |
| Brought forward - - -        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 278,378,900        | 18,610,915            |
| CLASS VIII— <i>continued</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                    |                       |
| Vote                         | 6. For the survey of Great Britain and other mapping services - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 3,685,850          | 918,000               |
|                              | 7. For a grant in aid of the Agricultural Research Fund - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 6,044,000          | —                     |
|                              | 8. For a grant in aid of the Nature Conservancy - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 535,000            | —                     |
|                              | 9. For a grant in aid of the Development Fund - - - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 1,539,450          | —                     |
|                              | 10. For a grant in aid of the Forestry Fund                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 11,800,000         | —                     |
|                              | 11. For the salaries and expenses of the Department of Agriculture and Fisheries 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; marine works in the congested districts; services in connection with livestock and compensation for slaughter of diseased animals; provision and operation of machinery; training and labour schemes; control of pests; agricultural education, research and advisory services; marketing; agricultural credits; expenses including subsidies in connection with certain transport services; and sundry other services (including a Supplementary sum of £1,500) - | 38,900,335         | 942,675               |
| Carried forward - - -        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | £340,883,535       | 20,471,590            |

SCHED. (B).  
Part 17.  
Civil.  
Class VIII.  
1961-62.

SCHEDULE (B).—PART 17—*continued*

| CIVIL— <i>continued</i>      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Sums not exceeding |                       |
|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Supply Grants      | Appropriations in Aid |
|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | £                  | £                     |
| Brought forward - - -        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 340,883,535        | 20,471,590            |
| CLASS VIII— <i>continued</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                    |                       |
| Vote 12.                     | For Scottish fisheries and the United Kingdom herring industry; including the salaries and expenses of the fisheries staff of the Department of Agriculture and Fisheries for Scotland, 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; Outer Hebrides fisheries training scheme; and a grant in aid of the Herring Marketing Fund - - | 2,789,670          | 21,040                |
| TOTAL, CIVIL, CLASS VIII - - |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | £343,673,205       | 20,492,630            |



## SCHEDULE (B).—PART 18

## CIVIL.—CLASS IX

SCHED. (B).  
Part 18.  
Civil.  
Class IX.  
1961-62.

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 1962, viz. :—

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Sums not exceeding |                       |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Supply Grants      | Appropriations in Aid |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | £                  | £                     |
| Vote                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                    |                       |
| 1. For the salaries and expenses of the Ministry of Transport, including the salaries and expenses of the Coast-guard, the Transport Tribunal, and the Inland Waterways Redevelopment Committee, subscriptions to international organisations, and sundry other services - - - -                                                                                                                                                                                                                                                                                                                            | 4,337,330          | 4,225,800             |
| 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; the stopping-up and diversion of highways and advance payments in respect of land acquired for trunk roads; for expenses in connection with vehicle parks in London; 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 - | 118,834,110        | 3,695,010             |
| 3. For the expenditure of the Ministry of Transport in grant to the British Transport Commission in respect of the Commission's net deficits on revenue account (including a Supplementary sum of £27,000,000) - -                                                                                                                                                                                                                                                                                                                                                                                          | 130,000,000        | —                     |
| Carried forward - - -                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | £253,171,440       | 7,920,810             |

SCHED. (B)  
Part 18.  
Civil.  
Class IX.  
1961-62.

SCHEDULE (B).—PART 18—*continued*

| CIVIL— <i>continued</i>    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Sums not exceeding |                       |
|----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Supply Grants      | Appropriations in Aid |
|                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | £                  | £                     |
| Brought forward - - -      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 253,171,440        | 7,920,810             |
| CLASS IX— <i>continued</i> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                    |                       |
| Vote                       | 4. 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; development of nuclear propulsion for merchant ships; expenses in connection with replacement of s.s. "Queen Mary"; 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 and other services - - - - | 996,000            | 353,600               |
|                            | 5. For the salaries and expenses of the Ministry of Power, and expenses in connection with the licensing and insurance of nuclear installations -                                                                                                                                                                                                                                                                                                                                                                                                        | 2,251,490          | 547,700               |
|                            | 6. For the supply, storage and distribution of petroleum products, loans for the installation of fuel-saving equipment, assistance to gas and electricity services in areas of high unemployment, and certain other services of the Ministry of Power, including expenditure on civil defence - - -                                                                                                                                                                                                                                                      | 1,367,930          | 892,800               |
|                            | 7. For the salaries and expenses of the Office of the Minister for Science -                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 98,500             | 6,600                 |
|                            | 8. 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 (including a Supplementary sum of £10) - - - -                                                                                                                                                                | 78,320,010         | 37,350,000            |
| Carried forward - - -      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | £336,205,370       | 47,071,510            |

SCHEDULE (B).—PART 18—continued

SCHED. (B).  
Part 18.  
Civil.  
Class IX.  
1961-62.

| CIVIL—continued              |                                                                                                                                                                                                                                                                                                                                                        | Sums not exceeding |                       |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                              |                                                                                                                                                                                                                                                                                                                                                        | Supply Grants      | Appropriations in Aid |
|                              |                                                                                                                                                                                                                                                                                                                                                        | £                  | £                     |
| Brought forward - - -        |                                                                                                                                                                                                                                                                                                                                                        | 336,205,370        | 47,071,510            |
| <b>CLASS IX—continued</b>    |                                                                                                                                                                                                                                                                                                                                                        |                    |                       |
| Vote                         | 9. For the salaries and expenses of the Department of Scientific and Industrial Research, including certain subscriptions to international organisations - - - - -                                                                                                                                                                                     | 15,357,832         | 1,899,800             |
|                              | 10. 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; expenditure on the stopping up and diversion of highways, and certain compensation payments - - - - - | 17,195,470         | 55,850                |
| TOTAL, CIVIL, CLASS IX - - - |                                                                                                                                                                                                                                                                                                                                                        | £369,358,672       | 49,027,160            |

SCHED. (B).  
Part 19.  
Civil.  
Class X.  
1961-62.

SCHEDULE (B).—PART 19

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 1962, 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 -                                                                                                                                                                                             | 23,250,000         | 1,012,000             |
| 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 -                                                                                                                      | 7,495,560          | 37,527,000            |
| 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 from the residual proceeds of the sale of Japanese assets in the United Kingdom and other countries and of the Burma-Siam Railway; and other services, including payment of national service grants - | 104,584,250        | 1,636,000             |
| 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                                                                                                                                                                                                                                                                                           | 334,972,000        | 28,000                |
| Carried forward - -                                                                                                                                                                                                                                                                                                                                                                                                                             | £470,301,810       | 40,203,000            |

SCHEDULE (B).—PART 19—*continued*

SCHED. (B).  
Part 19.  
Civil.  
Class X.  
1961 62.

| CIVIL— <i>continued</i>   |                                                                                                                                                                                                                                                                                                                                     | Sums not exceeding |                       |
|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                           |                                                                                                                                                                                                                                                                                                                                     | Supply Grants      | Appropriations in Aid |
|                           |                                                                                                                                                                                                                                                                                                                                     | £                  | £                     |
| Brought forward - - -     |                                                                                                                                                                                                                                                                                                                                     | 470,301,810        | 40,203,000            |
| CLASS X— <i>continued</i> |                                                                                                                                                                                                                                                                                                                                     |                    |                       |
| Vote                      |                                                                                                                                                                                                                                                                                                                                     |                    |                       |
| 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.; and the maintenance of certain classes of Poles in Great Britain -            | 185,453,000        | 3,050,000             |
| 6.                        | For pensions and allowances to certain members of the former Indian and Burma Services and their dependants, and to certain judges; for related medical and miscellaneous expenses; for payments in respect of commutation of pensions; and for certain payments to the Governments of India and Pakistan connected with pensions - | 7,066,960          | 1,530                 |
| 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 -          | 1,100,000          | —                     |
| 8.                        | For pensions, additional allowances, gratuities, and certain other expenses in connection with superannuation in respect of Post Office employment                                                                                                                                                                                  | 100                | 26,124,900            |
| TOTAL, CIVIL, CLASS X -   |                                                                                                                                                                                                                                                                                                                                     | £663,921,870       | 69,379,430            |

SCHED. (B).  
Part 20.  
Revenue  
Departments.  
1961-62.

SCHEDULE (B).—PART 20

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 1962, viz.:—

|                                                                                                                                        | Sums not exceeding |                       |
|----------------------------------------------------------------------------------------------------------------------------------------|--------------------|-----------------------|
|                                                                                                                                        | Supply Grants      | Appropriations in Aid |
|                                                                                                                                        | £                  | £                     |
| <b>Vote</b>                                                                                                                            |                    |                       |
| 1. For the salaries and expenses of the Customs and Excise Department, including a subscription to an international organisation - - - | 20,671,000         | 1,047,000             |
| 2. For the salaries and expenses of the Inland Revenue Department (including a Supplementary sum of £3,168,000) - - - - -              | 59,681,000         | 1,398,000             |
| <b>TOTAL, REVENUE DEPARTMENTS -£</b>                                                                                                   | <b>80,352,000</b>  | <b>2,445,000</b>      |

## SCHEDULE (C).—PART 1

SCHED. (C).  
Part 1.  
Navy Services,  
1959–60.  
Section 5.

| Navy Services,<br>1959–60, Votes                                       | DEFICITS                                                        |       |                                                                        |       | SURPLUSES                                                        |       |                                                                     |       |
|------------------------------------------------------------------------|-----------------------------------------------------------------|-------|------------------------------------------------------------------------|-------|------------------------------------------------------------------|-------|---------------------------------------------------------------------|-------|
|                                                                        | Excesses of<br>actual over<br>estimated<br>gross<br>expenditure |       | Deficiencies<br>of actual as<br>compared with<br>estimated<br>receipts |       | Surpluses of<br>estimated<br>over actual<br>gross<br>expenditure |       | Surpluses of<br>actual as<br>compared with<br>estimated<br>receipts |       |
|                                                                        | £                                                               | s. d. | £                                                                      | s. d. | £                                                                | s. d. | £                                                                   | s. d. |
| 1. Pay, &c., of the Royal<br>Navy and Royal<br>Marines ... ..          | 765,151                                                         | 1 1   | —                                                                      | —     | —                                                                | —     | 82,429                                                              | 13 9  |
| 2. Victualling and Cloth-<br>ing for the Navy ...                      | 133,292                                                         | 2 6   | —                                                                      | —     | —                                                                | —     | 233,065                                                             | 0 9   |
| 3. Medical Establish-<br>ments and Services...                         | 46,959                                                          | 16 9  | —                                                                      | —     | —                                                                | —     | 16,365                                                              | 12 1  |
| 4. Civilians employed on<br>Fleet Services ...                         | —                                                               | —     | —                                                                      | —     | 17,644                                                           | 12 3  | 11,678                                                              | 16 3  |
| 5. Educational Services...                                             | —                                                               | —     | —                                                                      | —     | 31,033                                                           | 17 8  | 34,594                                                              | 4 6   |
| 6. Scientific Services ...                                             | —                                                               | —     | —                                                                      | —     | 171,403                                                          | 8 8   | 199,000                                                             | 16 11 |
| 7. Royal Naval Reserves                                                | 31,673                                                          | 14 6  | —                                                                      | —     | —                                                                | —     | 174                                                                 | 11 8  |
| 8. Shipbuilding, Repairs,<br>Maintenance, &c.:<br>Section I.—Personnel | —                                                               | —     | —                                                                      | —     | 160,556                                                          | 9 11  | 109,976                                                             | 1 6   |
| Section II.—Matériel                                                   | —                                                               | —     | —                                                                      | —     | 552,220                                                          | 15 11 | 1,152,508                                                           | 15 10 |
| Section III.—<br>Contract Work                                         | —                                                               | —     | —                                                                      | —     | 1,577,801                                                        | 10 9  | 1,113,663                                                           | 15 4  |
| 9. Naval Armaments ...                                                 | —                                                               | —     | —                                                                      | —     | 491,029                                                          | 2 11  | 2,039,474                                                           | 13 7  |
| 10. Works, Buildings and<br>Repairs at Home and<br>Abroad ... ..       | —                                                               | —     | —                                                                      | —     | 547,913                                                          | 11 5  | 50,593                                                              | 2 8   |
| 11. Miscellaneous Effective<br>Services ... ..                         | 781,632                                                         | 2 11  | —                                                                      | —     | —                                                                | —     | 773,423                                                             | 19 8  |
| 12. Admiralty Office ...                                               | —                                                               | —     | 9,625                                                                  | 3 2*  | 41,607                                                           | 8 9   | —                                                                   | —     |
| 13. Non-Effective Services                                             | —                                                               | —     | —                                                                      | —     | 92,879                                                           | 6 1   | 58,157                                                              | 15 10 |
| 14. Merchant Shipbuilding<br>and Repair ... ..                         | —                                                               | —     | —                                                                      | —     | 6,284                                                            | 0 1   | —                                                                   | —     |
| 15. Additional Married<br>Quarters ... ..                              | —                                                               | —     | 640,705                                                                | 3 1*  | 93,283                                                           | 3 4   | —                                                                   | —     |
| Balances Irrecoverable and<br>Claims Abandoned                         | 5,947                                                           | 4 9   | —                                                                      | —     | —                                                                | —     | —                                                                   | —     |

\* These deficiencies of receipts were wholly or partially offset by surpluses of estimated over actual gross expenditure.

SCHED. (C).  
Part 2.  
Army Services,  
1959-60.  
Section 5.

## SCHEDULE (C).—PART 2

| Army Services,<br>1959-60, Votes                         | DEFICITS                                                        |    |                                                                        | SURPLUSES |                                                                  |    |                                                                     |    |    |
|----------------------------------------------------------|-----------------------------------------------------------------|----|------------------------------------------------------------------------|-----------|------------------------------------------------------------------|----|---------------------------------------------------------------------|----|----|
|                                                          | Excesses of<br>actual over<br>estimated<br>gross<br>expenditure |    | Deficiencies<br>of actual as<br>compared with<br>estimated<br>receipts |           | Surpluses of<br>estimated<br>over actual<br>gross<br>expenditure |    | Surpluses of<br>actual as<br>compared with<br>estimated<br>receipts |    |    |
|                                                          | £                                                               | s. | d.                                                                     | £         | s.                                                               | d. | £                                                                   | s. | d. |
| 1. Pay, &c., of the Army                                 | 1,303,158                                                       | 1  | 6                                                                      | 101,864   | 9                                                                | 1  | —                                                                   | —  | —  |
| 2. Reserve Forces, Territorial Army and Cadet Forces ... | —                                                               | —  | —                                                                      | —         | —                                                                | —  | 252,129                                                             | 1  | 4  |
| 3. War Office ...                                        | 67,373                                                          | 13 | 1                                                                      | 6,726     | 15                                                               | 0  | —                                                                   | —  | —  |
| 4. Civilians ...                                         | —                                                               | —  | —                                                                      | —         | —                                                                | —  | 905,623                                                             | 13 | 6  |
| 5. Movements ...                                         | —                                                               | —  | —                                                                      | —         | —                                                                | —  | 291,955                                                             | 1  | 9  |
| 6. Supplies, &c. ...                                     | 741,113                                                         | 11 | 2                                                                      | —         | —                                                                | —  | 61,313                                                              | 6  | 9  |
| 7. Stores ...                                            | 353,554                                                         | 15 | 11                                                                     | —         | —                                                                | —  | 91,922                                                              | 0  | 5  |
| 8. Works, Buildings and Lands ...                        | —                                                               | —  | —                                                                      | 187,493   | 17                                                               | 3* | 1,010,726                                                           | 17 | 5  |
| 9. Miscellaneous Effective Services ...                  | —                                                               | —  | —                                                                      | —         | —                                                                | —  | 506,769                                                             | 9  | 5  |
| 10. Non-Effective Services                               | —                                                               | —  | —                                                                      | 6,861     | 13                                                               | 4* | 601,907                                                             | 12 | 8  |
| 11. Additional Married Quarters ...                      | —                                                               | —  | —                                                                      | 99,023    | 0                                                                | 7* | 99,023                                                              | 0  | 7  |
| Balances Irrecoverable and Claims Abandoned ...          | 93,929                                                          | 9  | 11                                                                     | —         | —                                                                | —  | —                                                                   | —  | —  |

\* These deficiencies of receipts were wholly offset by surpluses of estimated over actual gross expenditure.



## SCHEDULE (C).—PART 3

SCHED. (C).  
Part 3.  
Air Services,  
1959–60.  
Section 5.

| Air Services,<br>1959–60, Votes                    | DEFICITS                                                        |                                                                        | SURPLUSES                                                        |                                                                     |
|----------------------------------------------------|-----------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------|---------------------------------------------------------------------|
|                                                    | Excesses of<br>actual over<br>estimated<br>gross<br>expenditure | Deficiencies<br>of actual as<br>compared with<br>estimated<br>receipts | Surpluses of<br>estimated<br>over actual<br>gross<br>expenditure | Surpluses of<br>actual as<br>compared with<br>estimated<br>receipts |
|                                                    | £ s. d.                                                         | £ s. d.                                                                | £ s. d.                                                          | £ s. d.                                                             |
| 1. Pay, &c., of the Air<br>Force ... ..            | 139,319 18 2                                                    | —                                                                      | —                                                                | 116,744 16 6                                                        |
| 2. Reserve and Auxiliary<br>Services ... ..        | —                                                               | 1,575 0 2*                                                             | 15,179 10 6                                                      | —                                                                   |
| 3. Air Ministry ... ..                             | —                                                               | 10,558 0 9*                                                            | 16,850 18 2                                                      | —                                                                   |
| 4. Civilians at Outstations                        | —                                                               | 99,948 15 2*                                                           | 75,473 2 6                                                       | —                                                                   |
| 5. Movements ... ..                                | 136,359 12 1                                                    | 8,408 13 3                                                             | —                                                                | —                                                                   |
| 6. Supplies ... ..                                 | 914,717 14 9                                                    | —                                                                      | —                                                                | 218,922 11 5                                                        |
| 7. Aircraft and Stores ...                         | —                                                               | —                                                                      | 3,046,135 4 11                                                   | 604,084 19 11                                                       |
| 8. Works and Lands ...                             | —                                                               | —                                                                      | 1,428,212 19 2                                                   | 487,111 19 9                                                        |
| 9. Miscellaneous Effective<br>Services ... ..      | —                                                               | 28,329 10 9*                                                           | 75,297 4 9                                                       | —                                                                   |
| 10. Non-Effective Services                         | —                                                               | —                                                                      | 149,913 1 3                                                      | 30,545 8 10                                                         |
| 11. Additional Married<br>Quarters ... ..          | —                                                               | 800,000 0 0*                                                           | 158,913 12 9                                                     | —                                                                   |
| Balances Irrecoverable and<br>Claims Abandoned ... | 7,986 11 11                                                     | —                                                                      | —                                                                | —                                                                   |

\* These deficiencies of receipts were wholly or partially offset by surpluses of estimated over actual gross expenditure.

**CHAPTER 60**

**An Act to amend the law of England and Wales relating to suicide, and for purposes connected therewith.**

[3rd August, 1961]

**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:—

Suicide to cease to be a crime.

**1.** The rule of law whereby it is a crime for a person to commit suicide is hereby abrogated.

Criminal liability for complicity in another's suicide.

**2.—(1)** A person who aids, abets, counsels or procures the suicide of another, or an attempt by another to commit suicide, shall be liable on conviction on indictment to imprisonment for a term not exceeding fourteen years.

(2) If on the trial of an indictment for murder or manslaughter it is proved that the accused aided, abetted, counselled or procured the suicide of the person in question, the jury may find him guilty of that offence.

(3) The enactments mentioned in the first column of the First Schedule to this Act shall have effect subject to the amendments provided for in the second column (which preserve in relation to offences under this section the previous operation of those enactments in relation to murder or manslaughter).

(4) An indictment for an offence under this section shall not be triable by a court of quarter sessions; and (subject to sections thirteen and forty of the Children and Young Persons Act, 1933, as applied by subsection (3) above) no proceedings shall be instituted for an offence under this section except by or with the consent of the Director of Public Prosecutions.

Short title, repeal and extent.

**3.—(1)** This Act may be cited as the Suicide Act, 1961.

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

(3) This Act shall extend to England and Wales only, except as regards the amendments made by Part II of the First Schedule and except that the Interments (felo de se) Act, 1882, shall be repealed also for the Channel Islands.

## SCHEDULES

## FIRST SCHEDULE

Sections 2 &amp; 3.

ADAPTATION OF ENACTMENTS RELATING TO  
MURDER OR MANSLAUGHTER

## PART I

## AMENDMENTS LIMITED TO ENGLAND AND WALES

*Enactment and subject matter**Amendment***The Coroners (Amendment) Act, 1926—**

Section twenty (Effect on coroners' duties of prosecution for murder, etc.).

The references to murder, manslaughter or infanticide shall apply also to aiding, abetting, counselling or procuring suicide.

**The Children and Young Persons Act, 1933—**

First Schedule (Offences to which special provisions of the Act apply).

The reference to the murder or manslaughter of a child or young person shall apply also to aiding, abetting, counselling or procuring the suicide of a child or young person.

## PART II

## AMENDMENTS NOT LIMITED TO ENGLAND AND WALES

**The Extradition Act, 1870—**

First Schedule (List of extradition crimes).

The list of crimes shall include aiding, abetting, counselling or procuring suicide.

**The Visiting Forces Act, 1952—**

Section seven (Effect on coroners' duties in England, Wales and Northern Ireland of certain proceedings for homicide).

The definition of "homicide" in subsection (6) shall have effect as if after the references to murder, manslaughter and infanticide there were inserted a reference to aiding, abetting, counselling or procuring suicide.

Paragraph 1 of the Schedule (Offences not triable by courts of England, Wales or Northern Ireland in the cases provided for by section three of the Act).

In sub-paragraph (a) (which provides that murder and certain other offences are to be comprised in the expression "offences against the person") after the word "assault" there shall be inserted the words "and any offence of aiding, abetting, counselling or procuring suicide or an attempt to commit suicide".

**The Army Act, 1955—**

Subsections (4) and (5) of section seventy (Exclusion of court-martial jurisdiction over certain offences committed in the United Kingdom).

At the end of subsection (4) there shall be added the words—

"In this and the following subsection the references to murder shall apply also to aiding, abetting, counselling or procuring suicide."

## 1st SCH.

*Enactment and subject matter**Amendment***The Air Force Act, 1955—**

Subsections (4) and (5) of section seventy (Exclusion of court-martial jurisdiction over certain offences committed in the United Kingdom).

At the end of subsection (4) there shall be added the words—

“In this and the following subsection the references to murder shall apply also to aiding, abetting, counselling or procuring suicide.”

**The Naval Discipline Act, 1957—**

Subsection (2) of section forty-eight (Exclusion of court-martial jurisdiction over certain offences committed in the United Kingdom).

At the end of the subsection there shall be added the words—

“In this subsection the references to murder shall apply also to aiding, abetting, counselling or procuring suicide.”

## Section 3.

## SECOND SCHEDULE

## REPEALS

| Session and Chapter                   | Short Title                                     | Extent of Repeal                                                                                                   |
|---------------------------------------|-------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| 33 & 34 Vict. c. 23.                  | The Forfeiture Act, 1870                        | In section one, the words “or <i>felo de se</i> ”.                                                                 |
| 45 & 46 Vict. c. 19.                  | The Interments ( <i>felo de se</i> ) Act, 1882. | The whole Act.                                                                                                     |
| 15 & 16 Geo. 6. and 1 Eliz. 2. c. 55. | The Magistrates' Courts Act, 1952.              | Paragraph 15 of the First Schedule (except as respects proceedings commenced before the commencement of this Act). |
| 5 & 6 Eliz. 2. c. 11.                 | The Homicide Act, 1957                          | In section four, in subsection (1) and in subsection (2), the words “killing himself or”.                          |

## CHAPTER 61

### ARRANGEMENT OF SECTIONS

#### PART I

##### RESTAURANTS AND GUEST HOUSES

###### Section

1. New provisions as to licences for restaurants, guest houses, etc.
2. Grant and renewal of licences for restaurants, guest houses, etc.
3. Power of court to disqualify for restaurant, etc., licences on conviction of certain offences.
4. Adaptations of Licensing Act, 1953.

#### PART II

##### AMENDMENTS OF GENERAL LICENSING LAW

###### *Licensing hours*

5. Permitted hours for licensed premises and clubs generally.
6. Sunday closing in Wales and Monmouthshire.
7. Operation of provisions as to permitted hours.
8. Special hours certificates for premises providing music and dancing.
9. Extended hours in restaurants, etc., providing entertainment.
10. Seasonal licences.
11. Miscellaneous amendments as to permitted hours and the like.

###### *Duration and grant of licences, and related matters*

12. New procedure in connection with grant of justices' licences.
13. Special provisions as to removal and transfer.
14. Power to extend existing on-licence to additional types of liquor.
15. Provisional licences.
16. Protection orders.
17. Restriction on grant of justices' licence for premises on special roads.
18. Miscellaneous amendments as to grant of licences, proceedings and fees.

###### *Miscellaneous*

19. Licensing justices' interests.
20. Consent not required for certain alterations to licensed premises.
21. Protection of young persons.
22. Penalty for unauthorised sales of intoxicating liquor.
23. Miscellaneous relaxations of law as to licensed premises.
24. Liqueur chocolates.

#### PART III

##### SALE AND SUPPLY OF INTOXICATING LIQUOR IN CLUB PREMISES

25. Conditions for supply of intoxicating liquor by clubs.
26. Qualifications for registration.
27. Objections to and cancellations of registration, and disqualification of premises.
28. Sale of intoxicating liquor by registered clubs.
29. Maintenance of register, and procedure for registration, etc.
30. Appeal to quarter sessions.
31. Inspection of premises before first registration.
32. Rights of fire authorities in connection with registration of clubs.
33. Extended hours in premises of registered clubs.
34. Search warrants.
35. Licensing of club premises.
36. Application of Part III to miners' welfare institutes.

**PART IV**  
**SUPPLEMENTARY**

## Section

37. Interpretation, and transitional and consequential provisions.  
38. Short title, citation, repeal, extent and commencement.

## SCHEDULES:

- First Schedule—Punishment of certain offences in connection with refreshment houses.  
Second Schedule—Supplementary provision for polls in Wales and Monmouthshire.  
Third Schedule—Adaptations of Licensing Act, 1953, ss. 113 to 119 (special hours certificates) for areas outside metropolis.  
Fourth Schedule—Licensing procedure and appeals.  
Fifth Schedule—Provisions as to club rules.  
Sixth Schedule—Requirements to be complied with by club's application for registration certificate.  
Seventh Schedule—Procedure for registration of clubs, and related matters.  
Eighth Schedule—Transitional and consequential provisions about clubs.  
Ninth Schedule—Repeals.

**An Act to amend the Licensing Act, 1953, to make further provision about the sale and supply of intoxicating liquor and about licensed premises, and for purposes connected therewith.**  
[3rd August, 1961]

**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**

**RESTAURANTS AND GUEST HOUSES**

New provisions  
as to licences  
for restaurants,  
guest houses  
etc.

**1.**—(1) Except on one or more of the grounds specified in this Act, licensing justices shall not refuse an application duly made for the grant of a new justices' on-licence of a description falling within this section or for the renewal of a justices' on-licence of such a description; and in this Part of this Act any reference to a renewal of such a licence shall apply also to a transfer, except where the context otherwise requires.

(2) The first description of licence mentioned in subsection (1) above (in this Act referred to as "a restaurant licence") is a licence which—

- (a) is granted for premises structurally adapted and bona fide used, or intended to be used, for the purpose of habitually providing the customary main meal at mid-day or in the evening, or both, for the accommodation of persons frequenting the premises; and

## PART I

(b) is subject to the condition that intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

(3) The second description of licence mentioned in subsection (1) above (in this Act referred to as "a residential licence") is a licence which—

(a) is granted for premises bona fide used, or intended to be used, for the purpose of habitually providing for reward board and lodging, including breakfast and one other at least of the customary main meals; and

(b) is subject to the condition that intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons residing there or their private friends bona fide entertained by them at their own expense, and for consumption by such a person or his private friend so entertained by him either on the premises or with a meal supplied at but to be consumed off the premises.

(4) The third description of licence mentioned in subsection (1) above (in this Act referred to as "a residential and restaurant licence") is a licence which—

(a) is granted for premises falling within both paragraph (a) of subsection (2) and paragraph (a) of subsection (3) above; and

(b) is subject to the condition that intoxicating liquor shall not be sold or supplied otherwise than as permitted by the conditions of a restaurant licence or by those of a residential licence.

(5) The conditions as to the sale and supply of intoxicating liquor set out in paragraph (b) of subsection (2) and paragraph (b) of subsection (3) above, and any conditions in the same terms which may be attached to a justices' licence,—

(a) shall not extend to the supply for consumption on the premises of intoxicating liquor (whether inside or outside the permitted hours) in any case in which section one hundred of the Licensing Act, 1953, does not prohibit liquor being so supplied outside the permitted hours;

(b) shall not extend to the sale of intoxicating liquor, or supply of liquor, sold on the premises under the authority of an occasional licence;

(c) subject to paragraph (b) above, shall extend to all sales of intoxicating liquor, whether or not requiring the authority of a justices' licence.

(6) It shall be an implied condition of any restaurant licence, residential licence or residential and restaurant licence that suitable beverages other than intoxicating liquor (including drinking

## PART I

water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

(7) Where licensing justices grant or renew a restaurant licence or a residential and restaurant licence, but as regards the use of the premises for the provision of the customary main meals it appears to them that it is only for a mid-day meal or only for an evening meal that the premises fall within paragraph (a) of subsection (2) above, the justices shall attach to the licence a condition restricting the permitted hours in the premises so as to exclude any time after the afternoon break, or any time before it, as the case requires; but on the renewal of such a licence and at the request of the person applying for the renewal, or on an application by the holder, licensing justices shall revoke any such condition previously attached, if satisfied that it is no longer required by this subsection.

(8) Where licensing justices grant a new residential licence or residential and restaurant licence, they shall, unless it appears to them that in the particular circumstances of the case there is good reason not to do so, attach to the licence a condition that there shall be afforded in the premises, for persons provided with board and lodging for reward, adequate sitting accommodation in a room not used or to be used for sleeping accommodation, for the service of substantial refreshment or for the supply or consumption of intoxicating liquor; and where such a licence is granted without the condition required by this subsection, licensing justices shall, on the renewal of the licence, attach the condition if by reason of any change of circumstances it appears to them that the requirement ought no longer to be dispensed with.

(9) A justices' on-licence shall not be a restaurant licence, residential licence or residential and restaurant licence if it is subject to any condition not required to be attached to it in pursuance of this section or of section one hundred and nine (six-day licences) or one hundred and ten (early-closing licences) of the Licensing Act, 1953:

Provided that a restaurant licence, residential licence or residential and restaurant licence may be a seasonal licence, as provided for by section ten of this Act.

(10) Notwithstanding subsection (10) of section six of the Licensing Act, 1953 (by virtue of which licensing justices have no power to attach conditions to the grant of a new justices' on-licence for the sale of wine alone or sweets alone), this section shall apply to such a licence as it applies to a justices' on-licence of any other class.

(11) Licensing justices shall not attach to the grant any new justices' on-licence—

(a) any conditions calculated to restrict the sale or supply



## PART I

of intoxicating liquor to a sale or supply in connection with the service of meals, other than such condition as is required to be attached to the grant of a restaurant licence (modified, if need be, to allow for any sale or supply which it is desired to authorise in addition to a sale or supply in connection with the service of table meals); or

- (b) any conditions calculated to restrict the sale or supply of intoxicating liquor to a sale or supply to persons residing in the licensed premises other than such condition as is required to be attached to the grant of a residential licence (modified, if need be, to allow for any sale or supply which it is desired to authorise in addition to a sale or supply to persons residing in the premises).

(12) No justices' licence other than a restaurant licence shall be granted for a restaurant carried on under the powers of the Civic Restaurants Act, 1947, and any justices' licence granted for such a restaurant before this section comes into force shall have effect as a restaurant licence and may be renewed as such accordingly.

(13) Subsection (1) above shall not affect the operation of any enactment relating to the disqualification whether of persons or premises for holding or receiving a justices' licence, but save as aforesaid shall have effect notwithstanding any enactment restricting the grant of justices' licences, including in particular any enactment in Part II (war damaged areas) or Part III (new towns) of the Licensing Act, 1953.

2.—(1) Licensing justices may refuse an application for the grant or renewal of a restaurant licence, residential licence or residential and restaurant licence on any of the following grounds, that is to say,—

- (a) that the applicant is not of full age, or is in any other respect not a fit and proper person to hold one;
- (b) that the premises do not fall within paragraph (a) of subsection (2), (3) or (4), as the case may be, of section one of this Act, or are not suitable and convenient for the use contemplated by that paragraph, having regard to their character and condition, to the nature and extent of the proposed use and (where it applies) to the required condition as to sitting accommodation or as to the supply of intoxicating liquor only for consumption as an ancillary to a table meal;
- (c) that within the twelve months preceding the application—
- (i) a justices' on-licence for the premises has been forfeited; or

Grant and renewal of licences for restaurants, guest houses, etc.

## PART I

(ii) the premises have been ill-conducted while a justices' on-licence or a licence under the Refreshment Houses Act, 1860, was in force for them ; or

(iii) the required condition as to sitting accommodation has been habitually broken while a residential licence or a residential and restaurant licence (or other licence with the like condition) was in force for the premises ; or

(iv) the condition as to the availability of beverages other than intoxicating liquor has been habitually broken while a restaurant licence, a residential licence or a residential and restaurant licence (or other licence with the like condition) was in force for the premises.

(2) Licensing justices may also refuse an application for the grant or renewal of a restaurant licence or residential and restaurant licence on the ground that the trade done in the premises in providing refreshment to persons resorting there (but not provided with board and lodging) does not habitually consist to a substantial extent in providing table meals of a kind to which the consumption of intoxicating liquor might be ancillary.

(3) Licensing justices may also refuse an application for the grant or renewal of a restaurant licence, residential licence or residential and restaurant licence on the ground that the sale or supply of intoxicating liquor on the premises is undesirable—

- (a) in the case either of a residential licence or a residential and restaurant licence, because a large proportion of the persons provided with board and lodging for reward is habitually made up of young persons unaccompanied ; or
- (b) in the case either of a restaurant licence or a residential and restaurant licence, because a large proportion of the persons resorting to the premises but not provided with board and lodging is habitually made up of young persons unaccompanied ; or
- (c) in the case of any such licence, because the contemplated provision of intoxicants would be by "self-service" methods, that is to say, any method allowing a customer to help himself on payment or before payment.

In this subsection "young person unaccompanied" means a person under the age of eighteen who is not accompanied and paid for by his parent or by a person of full age.

(4) If on an application for the grant or renewal for any premises of a restaurant licence, residential licence or residential and restaurant licence it is made to appear to the licensing

justices on behalf of any such authority as is mentioned below in this subsection— PART I

- (a) that the authority or an officer designated in that behalf by the authority desired in connection with the application to have the premises inspected for purposes of paragraph (b) of subsection (1) above; and
- (b) that after reasonable steps had been taken by or on behalf of the authority or officer for the purpose it was not possible to have the premises so inspected;

the licensing justices may refuse the application.

The authorities above referred to are—

- (i) (according to the situation of the premises) the Common Council of the City of London, or the council of the county borough, metropolitan borough or county district; and
- (ii) the authority (if not included in paragraph (i) above) discharging in the area where the premises are situated the functions of fire authority under the Fire Services Act, 1947; and
- (iii) the chief officer of police for the police area where the premises are situated.

(5) Where licensing justices refuse an application duly made for the grant of a new justices' on-licence other than a restaurant licence, residential licence or residential and restaurant licence, they shall at the request of the applicant treat him as having also duly made an alternative application for a restaurant licence, residential licence or residential and restaurant licence for the sale of such descriptions of intoxicating liquor as he may specify in the request.

(6) On the renewal, transfer or removal of a justices' on-licence licensing justices may, at the request of the applicant made with the consent of the registered owner (if any) of the licensed premises, vary the licence by attaching the conditions required for it to be granted as a restaurant licence, residential licence or residential and restaurant licence (in substitution for any conditions previously attached), and the renewal, transfer or removal of a justices' on-licence with such a variation shall not be refused except on the grounds on which a renewal may be refused of a licence of the description specified in the request.

(7) Licensing justices refusing an application for the grant or renewal of a restaurant licence, residential licence or residential and restaurant licence shall specify in writing to the applicant the grounds of their refusal.

**PART I**

**Power of court to disqualify for restaurant, etc., licences on conviction of certain offences.**

**3.—(1)** Where a person is convicted of an offence to which this section applies committed by him in respect of premises for which he held at the time of the offence a restaurant licence, residential licence or residential and restaurant licence, the court by or before which he is convicted shall have power to make a disqualification order under this section.

(2) A disqualification order may, at the discretion of the court, be either—

- (a) an order disqualifying the person convicted, for such period as may be specified in the order (but not exceeding five years from the date the order comes into force), from holding or obtaining licences of the relevant types ; or
- (b) an order prohibiting licences of the relevant types from being held or granted within such period as aforesaid by or to any person in respect of the premises at which the offence in question was committed ; or
- (c) an order imposing both such a disqualification and such a prohibition ;

and, if such an order is made, any licence within the disqualification or prohibition, if previously obtained, shall be forfeited or, if subsequently obtained, shall be absolutely null and void.

The relevant types of licence for the purposes of this subsection are restaurant licences, residential licences, residential and restaurant licences and licences under the Refreshment Houses Act, 1860.

(3) The court making a disqualification order may, on such conditions as it thinks just, suspend the operation of the order with a view to enabling a licence to remain in force pending an appeal against the conviction or against the making of the disqualification order, or pending the consideration of the question of bringing such an appeal ; but, unless so suspended, a disqualification order shall come into force on the day it is made.

(4) A court shall not make a disqualification order containing a prohibition on the holding or grant of licences in respect of premises specified in the order, unless an opportunity has been given to any person interested in the premises and applying to be heard by the court to show cause why the order should not be made.

(5) At any time while a disqualification order is in force, a magistrates' court, on complaint made by any person affected by the order, may revoke the order or vary it by reducing any period of disqualification or prohibition specified in the order ; and any person who has made a complaint under this section and is aggrieved by the decision of the court on that complaint may appeal to quarter sessions.

## PART I

(6) Where on a complaint made under subsection (5) above the relief asked for is or includes the revocation or variation of a prohibition imposed by the order on the holding or grant of licences in respect of any premises, any summons granted on the complaint shall be served on the chief officer of police for the police area in which the premises are.

(7) The powers conferred by section twenty-six of the Licensing Act, 1949 (as amended by section three of the Street Offences Act, 1959) to make disqualification orders on convictions of certain offences in connection with refreshment houses shall be powers to make an order having the like effect as a disqualification order under this section, and shall include the like power to suspend the operation of a disqualification order as is conferred by subsection (3) above; and so much of that section as provides for the forfeiture of a licence without a disqualification order, or makes forfeiture of a licence a condition for the making of a disqualification order, shall cease to have effect.

Accordingly the provisions set out in the First Schedule to this Act, being provisions which reproduce the effect of sections twenty-six and twenty-seven of the Licensing Act, 1949, and section three of the Street Offences Act, 1959, as amended by this subsection, shall have effect in place of those sections.

(8) Any disqualification order made before the commencement of this Act under section twenty-six of the Licensing Act, 1949, shall have effect in relation to restaurant licences, residential licences and residential and restaurant licences as it is expressed to have effect in relation to licences under the Refreshment Houses Act, 1860; and subsections (5) and (6) above shall apply to any such order in place of section twenty-seven of the Licensing Act, 1949.

(9) References in any enactment to a person disqualified for holding a justices' licence, or to premises disqualified for receiving a justices' licence, shall for the purposes of restaurant licences, residential licences and residential and restaurant licences apply, but for other purposes shall not apply, to persons or premises disqualified only by a disqualification order (including an order made under the First Schedule to this Act or under section twenty-six of the Licensing Act, 1949).

(10) This section shall apply—

- (a) to offences under section one hundred and thirty-six of the Licensing Act, 1953 (permitting drunkenness on licensed premises, and sale of intoxicating liquor to drunken persons);
- (b) to offences under sections one hundred and thirty-nine and one hundred and forty of that Act (permitting premises to be the resort of prostitutes, or to be a

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brothel), and to any other offence of permitting the premises to be a brothel;

- (c) to offences under section one hundred and forty-one of that Act, as amended by section twenty-six of the Betting and Gaming Act, 1960 (allowing unlawful gaming on licensed premises);
- (d) to offences under subsection (2) of section three of the Betting and Lotteries Act, 1934, and subsection (2) of section one of the Betting and Gaming Act, 1960 (using premises or permitting them to be used for betting transactions with persons resorting there);
- (e) to offences under section ten of the Prevention of Crimes Act, 1871 (harbouring thieves).

(11) The provisions of this section shall be in addition to and not in derogation of any other provisions for disqualification or for forfeiture of licences; and the powers under this section may be exercised on a conviction in addition to any other powers which the court is required to or does exercise on the conviction.

**Adaptations  
of Licensing  
Act, 1953.**

4.—(1) No licence shall be granted by way of removal of a restaurant licence, residential licence, or residential and restaurant licence, and accordingly sections twenty-four to twenty-seven and Part VI of the Licensing Act, 1953, shall not apply to those licences.

(2) Where a restaurant licence, residential licence, or residential and restaurant licence is forfeited by a disqualification order made on the conviction of the holder of the licence by virtue of section three of or the First Schedule to this Act, justices of the peace shall have the like power to make a protection order under subsection (3) of section twenty-three of the Licensing Act, 1953, as they have in a case falling within that subsection, and the provisions relating to transfers of licences shall apply accordingly.

(3) Section one hundred and thirty-five of the Licensing Act, 1953 (which requires the holder of a justices' licence to display on the licensed premises a notice showing that he is licensed to sell intoxicating liquor and indicating the business for which he is licensed), shall not apply to the holder of a residential licence; and in the case of a restaurant licence or residential and restaurant licence the nature of the business shall be sufficiently indicated in the notice under that section, so far as relates to the restrictions imposed by the conditions as to the sale and supply of intoxicating liquor, if the notice expresses that the holder of the licence is licensed to sell for consumption on the premises with meals.

(4) Section seventy-seven of the Licensing Act, 1953 (which restricts the sale and supply of intoxicating liquor in Carlisle), shall not apply to anything done under the authority of a restaurant licence, residential licence or residential and restaurant licence.

(5) Consent shall not be granted under section one hundred and forty-eight of the Licensing Act, 1953, for an occasional licence to be granted to a person who holds the required excise licence in pursuance only of a restaurant licence, residential licence or residential and restaurant licence, unless—

- (a) he holds the excise licence in pursuance of a restaurant licence or residential and restaurant licence ; and
- (b) the justices granting the consent are satisfied that the sale of intoxicating liquor under the authority of the occasional licence is to be ancillary to the provision of substantial refreshment.

## PART II

### AMENDMENTS OF GENERAL LICENSING LAW

#### *Licensing hours*

5.—(1) Subject to the following subsections, in any licensing district in England and Wales the permitted hours in licensed premises shall be—

Permitted hours for licensed premises and clubs generally.

- (a) on week days (not being Christmas Day or Good Friday), the hours from eleven in the morning to half past ten in the evening, with a break of two and a half hours beginning at three in the afternoon ; and
- (b) on Sundays, Christmas Day and Good Friday, the hours from twelve noon to half-past ten in the evening, with a break of five hours beginning at two in the afternoon.

(2) In relation to the metropolis, and to any licensing district outside the metropolis for which this subsection is adopted, subsection (1) above shall have effect with the substitution of a reference to eleven in the evening for the reference in paragraph (a) to half-past ten in the evening.

(3) The licensing justices in a licensing district outside the metropolis may by order adopt subsection (2) above if satisfied that the requirements of the district make it desirable.

(4) The licensing justices in any licensing district, if satisfied that the requirements of the district make it desirable, may by order modify for the district the hours specified in paragraph (a) of subsection (1) above, within the following limits—

- (a) the total number of hours on any day shall be nine (ending at half-past ten in the evening), or, where subsection (2) above applies or is adopted, nine and a half (ending

## PART II

at eleven in the evening), and the hours shall not begin earlier than ten in the morning ; and

- (b) there shall be a single break of not less than two hours in the afternoon.

(5) In this Act “ the general licensing hours ” means in relation to any licensing district the hours specified in paragraphs (a) and (b) of subsection (1) above, with any modification applying in the district by virtue of subsections (2) to (4) above.

(6) An order under subsection (3) or (4) above may make different provision for different periods of the year or for different weekdays in every week of the year or of any such period, or may make provision to take effect for particular periods only, or for particular weekdays in every week of the year or of any such period, but so that no alteration of the general licensing hours shall take effect within eight weeks of another ; and section one hundred and five of the Licensing Act, 1953 (which made supplemental provision as to, among other things, orders of licensing justices fixing the permitted hours under sections one hundred and one and one hundred and two of that Act), shall apply to orders under subsection (3) or (4) above as it applied to orders under those sections.

(7) In premises licensed for the sale of intoxicating liquor for consumption off the premises only the permitted hours on week days (not being Christmas Day or Good Friday) shall begin at half-past eight in the morning and there shall be no afternoon break.

(8) The permitted hours in club premises in respect of which the club is registered shall be fixed by or under the rules of the club, in accordance with the following conditions :—

- (a) the hours fixed shall not on any day be longer, nor begin earlier or end later, than the general licensing hours ; and
- (b) there shall be a break in the afternoon of not less than two hours ; and
- (c) on Sundays, Christmas Day and Good Friday the break shall include the hours from three to five, and there shall not be more than three and a half hours after five :

Provided that no order under subsection (3) or (4) above altering the beginning or end of the general licensing hours shall invalidate any permitted hours previously fixed under this subsection, but so much of the hours so fixed as falls before the beginning or after the end of the general licensing hours as altered shall from the expiration of six weeks after the date of the order be treated as excluded from the permitted hours in the club premises.

(9) To the permitted hours as fixed by or under the foregoing subsections in any premises to which this subsection applies the



period (if any) between the end of the first part of the general licensing hours and three in the afternoon (or in the case of a registered club so much of that period as is not otherwise included) shall be added for the purpose of—

(a) the sale or supply to persons taking table meals in the premises of intoxicating liquor supplied in a part of the premises usually set apart for the service of such persons, and supplied for consumption by such a person in that part of the premises as an ancillary to his meal ; and

(b) the consumption of intoxicating liquor so supplied ;

but for other purposes, or in other parts of the premises, the permitted hours shall be the same as if this subsection did not apply.

This subsection shall apply to any premises for which a restaurant licence or residential and restaurant licence is for the time being in force, except that it shall not apply to any such premises where by the conditions of the licence the time before the afternoon break is excluded from the permitted hours ; and in other cases subsections (1), (5) and (6) of section one hundred and four of the Licensing Act, 1953 (which provides for an hour's extension of the permitted hours in the evening in certain restaurants, etc.), shall have effect in relation to the application of this subsection to any premises as they have effect in relation to the application of that section.

(10) The permitted hours for the purposes of section seven of the Licensing (Seamen's Canteens) Act, 1954, shall be the general licensing hours, but without prejudice to the provision made by subsection (5) of that section for special orders of exemption, and subsection (9) above shall apply, with any necessary modification, to premises licensed under that Act.

(11) As regards licensed premises and club premises, the foregoing subsections of this section shall be in place of sections one hundred and one to one hundred and three of the Licensing Act, 1953 (or for the metropolis in place of those sections as modified by subsection (1) of section one hundred and twelve of that Act), but shall be without prejudice either to the other provisions of Part VII of that Act, as amended by the following provisions of this Part of this Act, or to any power of licensing justices to attach to a licence conditions restricting the permitted hours in the licensed premises.

(12) In subsection (1) of section one hundred and ten of the Licensing Act, 1953 (which provides for early-closing licences), for the reference to the permitted hours fixed by or under section one hundred and one or one hundred and two of that Act there shall be substituted a reference to the general licensing hours ; and in section one hundred and forty-nine of that Act (which prohibits the supply or consumption of intoxicating liquor before

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the beginning or after the end of those permitted hours at certain parties organised for gain) the expression "outside the permitted hours" shall mean before the beginning or after the end of the general licensing hours.

**Sunday closing  
in Wales and  
Monmouth-  
shire.**

**6.**—(1) Section one hundred and eleven of the Licensing Act, 1953 (which directs that there shall be no permitted hours on any Sunday in licensed premises in Wales and Monmouthshire), shall not apply in any administrative county or county borough if the local government electors for the county or county borough so determine by a majority on a poll held in accordance with this section; but where they do so determine, section one hundred and eleven shall again apply if the local government electors for the county or county borough afterwards determine by a majority on a poll so held that it shall apply.

(2) There shall be no poll under this section for a county or county borough unless it is requisitioned by not less than five hundred local government electors for the county or county borough, and a requisition shall not be effective unless—

- (a) it is contained in one or more requisition papers in the form in the appendix to the Second Schedule to this Act, signed by the requisitioning electors and giving the particulars of them required by that form; and
- (b) the requisition papers are delivered to the clerk of the county council or town clerk of the county borough within the two months following the date this Act is passed, or within the same period seven or any multiple of seven years thereafter, and each requisition paper is accompanied by a statutory declaration verifying the signatures on it or by two or more statutory declarations between them verifying those signatures.

(3) The date for a poll under this section in any year shall be the same for all counties and county boroughs, and shall be such day as the Secretary of State may direct, being not more than six weeks after the end of the period allowed under subsection (2) above for delivering requisition papers for the poll:

Provided that if polling day at a general election for Parliament falls within the eight weeks after the end of the said period the date for the poll under this section may be more than six, but not more than twelve, weeks after the end of it, and if Parliament is dissolved after the date has been fixed by a direction under this subsection, the Secretary of State may revoke that direction and give a new direction fixing a later date.

(4) On receipt of a requisition for a poll under this section the clerk of the county council or town clerk shall forthwith notify the Secretary of State, and after satisfying himself that the requisition, if the papers are signed by the persons purporting to sign

them, complies with subsection (2) above, shall as soon as may be give public notice in the county or county borough in such manner as he thinks sufficient of the holding of the poll, and if the date for the poll is afterwards altered under the proviso to subsection (3) above shall again give public notice accordingly.

(5) Subject to the provisions of the Second Schedule to this Act, a poll under this section shall be conducted, and the expenses thereof be paid, in all respects as if polls were being held throughout the county or county borough at an ordinary election of county or county borough councillors; and (subject as aforesaid) all persons having any duties in connection with the conduct of such an election shall have the like duties in connection with the poll under this section.

(6) When the number of votes cast on either side has been ascertained for the whole of any county or county borough, the chairman of the county council or mayor shall declare the result of the poll, and shall deliver a certificate of the result, signed by him, to the clerk of the county council or town clerk.

(7) If the decision on a poll under this section is that section one hundred and eleven of the Licensing Act, 1953, shall not apply where it applied before, or shall again apply where it did not apply before, the decision shall take effect with the first Sunday not earlier than the fourth day after the date of the poll; and if the decision is that that section shall not apply where it applied before, any condition in a licence previously granted for premises in the county or county borough under which the licence is a six-day licence shall be void (but without prejudice to the right to have such a condition re-inserted on the next or any subsequent application for a licence).

(8) In relation to polls under this section the following provisions of the Representation of the People Act, 1949, shall apply, with the modifications stated below, as if the poll were a poll at an ordinary election of county or county borough councillors, that is to say—

- (a) section forty-seven, section forty-eight except subsections (1) and (4), and in section fifty-two subsection (1) except paragraph (a) and subsection (5) (which relate to personation, plural voting and other frauds in connection with voting) shall apply;
- (b) section fifty-three (which contains provision for preventing disclosure of the candidate for whom a person votes and generally for securing the secrecy of the ballot) shall apply with the substitution for the words "the candidate for whom" and for the words "the name of the candidate for whom" of the words "the

**PART II**

result for which”, and with the omission of paragraph (b) of subsection (1) (which relates to the obligations of candidates and their agents);

- (c) sections ninety-nine to one hundred and one (which make bribery, treating and undue influence corrupt practices) shall apply, with the substitution in section ninety-nine for the references to procuring the return of any person at an election of references to procuring one or other result of the poll;
- (d) sections one hundred and forty-six to one hundred and forty-eight and one hundred and fifty-one shall apply so far as they relate to offences under any provision above-mentioned prosecuted on indictment or in a magistrates' court.

(9) If with intent to influence persons to give or refrain from giving their votes at a poll under this section, any person after the end of the period allowed for delivering requisition papers, publishes an advertisement in a newspaper or other periodical or procures an advertisement to be so published, he shall be guilty of an illegal practice, and sections one hundred and forty-seven and one hundred and fifty-one of the Representation of the People Act, 1949, shall apply so far as they relate to offences prosecuted in a magistrates' court:

Provided that the court before whom a person is convicted under this subsection may, if they think it just in the special circumstances of the case, mitigate or entirely remit any incapacity imposed by virtue of section one hundred and fifty-one.

(10) There shall be defrayed out of moneys provided by Parliament any increase attributable to this section in the sums provided by way of rate-deficiency grant or Exchequer equalisation grant under the enactments relating to local government in England and Wales or in Scotland.

(11) This section shall come into force on the date this Act is passed.

**Operation of provisions as to permitted hours.**

**7.—(1) Licensing justices—**

- (a) shall at the request of the person applying for a justices' on-licence (whether a new justices' licence or not) or on an application by the holder insert in the licence a condition that a specified part of the licensed premises, being a part which is in their opinion structurally adapted for the sale of intoxicating liquor for consumption off the premises, shall not be used for the sale or supply of intoxicating liquor for consumption on the premises; and

- (b) may vary or revoke the condition either on an application by the holder or on the renewal or transfer of the licence and at the request of the person applying for the renewal or transfer ;

and while the licence is subject to the condition, in the part so specified the permitted hours shall (whatever may be the permitted hours in any other part of the licensed premises) be the same as in premises licensed for sales for consumption off the premises only, so long as it is not connected by any internal communication open to customers with a part of the licensed premises used for the sale or supply of intoxicating liquor for consumption on the premises.

(2) Nothing in section one hundred of the Licensing Act, 1953, shall—

- (a) during the first ten minutes after the end of any period forming part of the permitted hours prohibit or restrict—
- (i) the consumption in the premises of intoxicating liquor supplied during those hours ; or
  - (ii) the taking from the premises of intoxicating liquor so supplied, and not supplied or taken away in an open vessel ; nor
- (b) during the first half hour after the end of any such period prohibit or restrict the consumption in the premises by persons taking meals there of intoxicating liquor supplied during those hours for consumption as an ancillary to their meals ; nor
- (c) where those hours are fixed by section one hundred and seventeen of that Act (special hours certificates for premises providing music and dancing), prohibit or restrict the consumption in the premises during the first half hour after the end of those hours of intoxicating liquor supplied during those hours.

This subsection (except sub-paragraph (ii) of paragraph (a) and paragraph (c)) shall apply to section seven of the Licensing (Seamen's Canteens) Act, 1954, as it applies to section one hundred of the Licensing Act, 1953.

(3) Nothing in section one hundred of the Licensing Act, 1953, shall as regards licensed premises prohibit or restrict—

- (a) the taking of intoxicating liquor from the premises by a person residing there ; or
- (b) the supply of intoxicating liquor for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of intoxicating liquor by persons so supplied ; or

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- (c) the supply of intoxicating liquor for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises ;

and in subsection (2) of that section, as it applies to licensed premises, and in this subsection, references to a person residing in the premises shall apply also to a person carrying on or in charge of the business on the premises, but not residing there.

(4) On days on which section one hundred and four of the Licensing Act, 1953 (which provides for an hour's extension of the permitted hours in the evening in certain restaurants, etc.), applies to any premises, the effect shall be that to the permitted hours in the premises as fixed by or under section five of this Act the hour following the general licensing hours shall be added for the purpose of—

- (a) the sale or supply to persons taking table meals in the premises of intoxicating liquor supplied in a part of the premises usually set apart for the service of such persons, and supplied for consumption by such a person in that part of the premises as an ancillary to his meal ; and

- (b) the consumption of intoxicating liquor so supplied ;

but for other purposes, or in other parts of the premises, the permitted hours shall be the same as if that section did not apply to the premises.

(5) A person who after the coming into force of this subsection contravenes section one hundred of the Licensing Act, 1953, or section seven of the Licensing (Seamen's Canteens) Act, 1954, shall be liable to a fine not exceeding one hundred pounds (instead of the fine not exceeding thirty pounds provided for in those sections).

(6) References in the Licensing Act, 1953, and this Act, to the permitted hours shall, except in so far as the context otherwise requires, be construed in relation to any licensed premises where the permitted hours are restricted by any conditions attached to the licence as referring to the hours as so restricted, and no sale of intoxicating liquor shall be deemed to be a sale without a justices' licence by reason only that it is in contravention of any such restriction on the permitted hours.

(7) Nothing in the Licensing Act, 1953, or this Act, shall be taken to require licensed premises to be open for the sale of intoxicating liquor or for any other purpose during the permitted hours, except in so far as they are so required by any conditions attached to the licence.

**8.—(1)** Sections one hundred and thirteen to one hundred and nineteen of the Licensing Act, 1953 (which provide for extended hours in premises providing music and dancing, but apply only to specified parts of the metropolis), shall extend to any area in England or Wales which is subject to statutory regulations for music and dancing, and shall accordingly be modified in accordance with the Third Schedule to this Act.

**PART II**  
Special hours  
certificates  
for premises  
providing  
music and  
dancing.

For the purposes of this subsection and of those sections, “statutory regulations for music and dancing” means—

- (a) section two of the Disorderly Houses Act, 1751 ; or
- (b) section fifty-one of the Public Health Acts Amendment Act, 1890 ; or
- (c) the Home Counties (Music and Dancing) Licensing Act, 1926 ; or
- (d) any local Act or part of a local Act regulating by means of licences the provision of music and dancing in places of public resort.

(2) In subsection (2) of section one hundred and nineteen of the Licensing Act, 1953 (which provides among other things that for the purposes of special hours certificates references to providing music and dancing and refreshment are to be construed as references to providing it on every week-day, subject to any such break as is there mentioned), after the words “on every week-day” there shall be inserted the words “or on particular week-days in every week” ; but where a special hours certificate is granted by virtue of this subsection—

- (a) the certificate shall be limited to those days in the week on which it is shown to the satisfaction of the licensing justices or magistrate granting it that music and dancing and refreshment are, or are intended to be, provided as required by paragraph (c) of subsection (1) of section one hundred and thirteen (or, in the case of a club, by paragraph (b) of section one hundred and fifteen) of the Licensing Act, 1953 ; and
- (b) on days on which the certificate does not apply, the permitted hours in the premises shall be unaffected by section one hundred and seventeen of that Act (which regulates the permitted hours on week-days where such a certificate is in force).

(3) Section one hundred and four of the Licensing Act, 1953 (which provides for an hour’s extension of the permitted hours in the evening in certain restaurants, etc.), and section one hundred and seventeen may both be applied to the same premises or part of premises, so that section one hundred and four shall have effect on days on which the permitted hours are not affected by section one hundred and seventeen.

**PART II**

(4) Where section one hundred and seventeen of the Licensing Act, 1953, applies to part only of any licensed premises, or to part only of any premises of a registered club, the part to which that section applies and the part to which it does not shall be treated as separate premises for the purposes of section one hundred and four of that Act and for the purpose of general and special orders of exemption.

(5) Nothing in section one hundred and seventeen of the Licensing Act, 1953, shall have effect in relation to any bar in premises or a part of premises to which that section is applied, and any such bar shall accordingly be treated as if it were a part of the premises to which the section does not apply.

(6) The permitted hours on Saturdays under section one hundred and seventeen of the Licensing Act, 1953, shall be the same as on other week-days, and accordingly proviso (a) to subsection (2) of that section (under which on Saturdays those hours end at midnight) shall be omitted, and in that section "week-day" shall include, and be deemed always to have included, Christmas Day, when not a Sunday; but nothing in that section shall affect the permitted hours on Good Friday or shall extend beyond midnight the permitted hours on Maundy Thursday or Easter Eve.

(7) In relation to premises or part of premises in respect of which a special hours certificate is in force and which are situated in any part of the metropolis outside the City of London, being a part specified for the purposes of this subsection by an order of the Secretary of State, the second part of the permitted hours under section one hundred and seventeen of the Licensing Act, 1953, shall end at three o'clock in the morning and accordingly subsection (2) of that section shall have effect in relation to the premises or part as if for the words "two o'clock" in both places where they occur there were substituted the words "three o'clock."

(8) Where a special hours certificate is in force for any licensed premises or part of licensed premises on a Saturday, nothing in the Sunday Observance Act, 1780, shall apply by reason of the provision of music and dancing there before the time to which the permitted hours on that Saturday may extend by virtue of this section.

(9) Where under subsection (1) of section one hundred and eighteen of the Licensing Act, 1953, the special hours certificate for any premises or part of premises is revoked in consequence of a contravention of section one hundred of that Act, no special hours certificate shall be valid in relation to the premises or;



part in question, if it is issued on an application made earlier than two months after the date of the application or than such later time, if any (not being more than twelve months after that date) as may be specified in the order revoking the certificate.

PART II

9.—(1) Subject to the provisions of this section, in any licensed premises to which section one hundred and four of the Licensing Act, 1953, applies and which 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, musical or other entertainment in addition to substantial refreshment as required by that section (the sale and supply of intoxicating liquor being ancillary to that refreshment and entertainment), the time added by that section to the permitted hours on weekdays shall extend until one o'clock in the morning, and during that time the sale, supply and consumption of intoxicating liquor shall not be restricted in accordance with paragraphs (a) and (b) of subsection (4) of section seven of this Act:

Extended hours in restaurants, etc., providing entertainment.

Provided that this subsection—

- (a) shall not apply to any part of the premises not habitually set apart for the provision of the refreshment and entertainment, nor authorise the sale or supply of intoxicating liquor for consumption in any such part of the premises or for consumption off the premises; and
- (b) shall not authorise any sale or supply of intoxicating liquor on a day on which no entertainment is provided, or at a time after the entertainment or the provision of substantial refreshment has ended, nor any sale or supply not in accordance with paragraph (a) of the said subsection (4) to a person admitted to the premises either after midnight or less than half an hour before the entertainment is due to end; and
- (c) shall not affect the permitted hours on Good Friday, or extend beyond midnight the permitted hours on Maundy Thursday or Easter Eve.

(2) Where subsection (1) above applies to any premises or part of premises, nothing in section one hundred of the Licensing Act, 1953, shall prohibit or restrict the consumption in the premises or part during the first half hour after the entertainment ends of intoxicating liquor supplied before it ends.

(3) In this section “entertainment” does not include any form of entertainment given otherwise than by persons actually present and performing; and, subject to the provisions of this

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Act, no premises or part shall be treated for the purposes of this section as used or intended to be used for the purpose of habitually providing refreshment and entertainment, or as habitually set apart for that purpose, unless it is used or intended to be used, or is set apart, for the purpose of providing them after, and for a substantial period preceding, the end of the general licensing hours on every weekday or on particular weekdays in every week, subject to any break for a period or periods not exceeding two weeks in any twelve successive months or on any special occasion or by reason of any emergency.

(4) This section shall not authorise the sale or supply of intoxicating liquor except with the sanction of an order of the licensing justices made on the application of a person applying for or holding a justices' licence for the premises in question, and any such order shall lapse when the licence granted is superseded on renewal or transfer or otherwise ceases to be in force, but may be renewed or varied by a further order under this subsection or be revoked under subsection (8) below.

(5) Where the use of any premises or part of premises for the purpose specified in subsection (1) above is, or is intended to be, limited to a particular period or periods of the year, licensing justices may make an order under subsection (4) above to have effect for the whole or part of the period or periods in question, but excluding any period of less than four weeks.

(6) Licensing justices may refuse to make an order under subsection (4) above, or may in such an order limit the operation of this section to a particular part of the premises or to particular periods of the year or to particular weekdays or to a time earlier than one o'clock in the morning (and may impose different limitations in relation to different parts of the premises, different periods or different weekdays), if it appears to them reasonable so to do having regard to all the circumstances and in particular to the comfort and convenience of the occupiers and inmates of premises in the neighbourhood.

(7) Licensing justices shall not make an order under subsection (4) above unless it is shown that the condition of subsection (1) above as to the use or intended use of the premises is satisfied in relation to the premises or part of premises, to the periods, to the weekdays and to the times for which the order is to have effect, and that the premises or part in question is structurally adapted for the purpose :

Provided that licensing justices, in making an order by way of variation or renewal of a previous order, may assume unless they see reason to the contrary that the conditions for the making of the previous order were and still are satisfied.

(8) Licensing justices shall revoke an order under subsection (4) above if they are satisfied on an application made by or on behalf of the chief officer of police for the police area in which the premises are situated, either—

- (a) that use has not been made for the purpose specified in subsection (1) above of the premises or part of premises for which the order has effect ; or
- (b) that it is expedient to revoke the order either by reason of the occurrence of disorderly or indecent conduct in the premises or part, or by reason of the conduct of persons resorting to the premises and any annoyance resulting or likely to result from it to the occupiers or inmates of premises in the neighbourhood, or by reason of the premises having been in any respect ill-conducted.

(9) Before making an application for an order under subsection (4) above to be made otherwise than by way of renewal of a previous order (without variation), a person shall give notice of the application to the persons, in the manner and at the times required by paragraph 2 of the Fourth Schedule to this Act on an application for a new justices' licence for the premises ; but if through inadvertence or misadventure he fails so to do, sub-paragraph (8) of that paragraph shall apply.

(10) Where an order under subsection (4) above is made with respect to any premises or part of premises, the holder of the justices' licence shall within fourteen days give written notice of the making of the order to the chief officer of police, and shall send with the notice a copy of the order ; and if he fails so to do he shall be liable to a fine not exceeding ten pounds.

(11) The provisions of subsection (6) of section eleven of this Act as to the posting of a notice in licensed premises where section one hundred and four of the Licensing Act, 1953, applies shall have effect in relation to this section as they have effect in relation to section one hundred and four ; and the reference to section one hundred and four in subsection (4) of section eleven of this Act shall include a reference to this section.

(12) The powers of licensing justices under this section shall be exercised in accordance with such procedure as may be prescribed by rules made by the Secretary of State.

(13) Where this section applies to any licensed premises or part of licensed premises on a Saturday, nothing in the Sunday Observance Act, 1780, shall apply by reason of the provision there of entertainment (in addition to substantial refreshment)

**PART II** before the time to which the permitted hours on that Saturday may extend by virtue of this section.

**Seasonal  
licences.**

**10.**—(1) The licensing justices in any licensing district, if satisfied that the requirements of the district make it desirable, may at the request of the person applying for a justices' on-licence (whether a new justices' licence or not), or on an application by the holder, insert in the licence a condition that, during such part or parts of the year as may be specified in the condition, there shall be no permitted hours in the premises.

(2) A licence in which such a condition is inserted is in this Act referred to as a seasonal licence.

(3) Licensing justices may vary or revoke such a condition either on an application by the holder of the licence or on the renewal, transfer or removal of the licence and at the request of the person applying for the renewal, transfer or removal.

(4) So long as the justices' licence in force for any premises is a seasonal licence, any special hours certificate for those premises or any part of them shall be taken, except in so far as it is granted for a more restricted period by virtue of section one hundred and sixteen of the Licensing Act, 1953, to extend, but only to extend, to the season during which there are permitted hours in the premises under the condition attached to the licence under this section:

Provided that on the variation or revocation of that condition, the justices shall, if need be, vary the special hours certificate so as to secure that it does not operate except as respects any period or periods during which it is shown to their satisfaction that it is intended to use the premises or part in question as mentioned in paragraph (c) of subsection (1) of section one hundred and thirteen of the Licensing Act, 1953.

**Miscellaneous  
amendments as  
to permitted  
hours and  
the like.**

**11.**—(1) Section one hundred and four of the Licensing Act, 1953 (which provides for an hour's extension of the permitted hours in the evening in certain restaurants, etc.), shall cease to be subject to any limitation as regards the days on which it extends the permitted hours.

(2) In the proviso to subsection (1) of section one hundred and fifty-one of the Customs and Excise Act, 1952, paragraph (a) (which restricts to the occasion of a public dinner or ball the grant of an occasional licence for the sale of intoxicating liquor after ten o'clock at night) shall be omitted, and in paragraph (b) (which prohibits the grant of an occasional licence for the days there mentioned) the reference to Sunday shall in England and Wales apply only to any administrative county or county borough in Wales and Monmouthshire to which section one hundred and eleven of the Licensing Act, 1953, for the time being applies.

(3) On the renewal, transfer or removal of a six-day licence or of an early-closing licence, the licensing justices shall at the request of the person applying for the renewal, transfer or removal revoke the six-day or early-closing condition.

(4) The operation as respects any premises of a general order of exemption under section one hundred and six of the Licensing Act, 1953, or of a special order of exemption under section one hundred and seven of that Act shall be to add the hours specified in the order to the permitted hours in the premises on the days for which the order has effect (whatever those permitted hours may be apart from the order); and a general order of exemption or special order of exemption may add to those permitted hours any hour not otherwise comprised in them, and may add to them for all purposes any hour comprised in them for limited purposes by virtue of subsection (9) of section five of this Act or by virtue of section one hundred and four of that Act.

(5) A general order of exemption granted for licensed premises shall not cease to have effect (as provided by subsection (4) of section one hundred and six of the Licensing Act, 1953) when the person to whom it was granted ceases to hold the licence, but (unless it is revoked or otherwise ceases to have effect) shall enure for the benefit of any person succeeding him as holder of a justices' on-licence for the premises.

(6) So much of sections one hundred and four, one hundred and six and one hundred and seventeen of the Licensing Act, 1953, as relates to the display of notices in any premises shall cease to have effect; but where the permitted hours in any licensed premises or part of licensed premises depend to any extent on section one hundred and four or one hundred and seventeen, or on a general order of exemption, or on subsection (9) of section five of this Act, the holder of the licence shall keep posted in some conspicuous place there a notice stating the effect of the section or order applying and, if it applies on certain days only, stating the days on which it applies or, as the case may be, a notice stating the effect of subsection (9) of section five of this Act applying.

A person contravening this subsection shall be liable to a fine not exceeding ten pounds.

#### *Duration and grant of licences, and related matters*

12.—(1) No justices' licence granted after the coming into force of this section shall require confirmation; and, subject to the provisions of this Act,—

(a) all powers exercisable by licensing justices may be exercised at any licensing sessions; and

New procedure in connection with grant of justices' licences.

**PART II**

(b) there shall be an appeal to quarter sessions against any decision of licensing justices granting or refusing to grant a new justices' licence, or an ordinary removal of a justices' licence, and against any decision of licensing justices as to the conditions of a justices' on-licence.

(2) The following powers of licensing justices shall not be exercisable at transfer sessions, that is to say,—

(a) the power to renew justices' licences, except where the licence was due for renewal at the preceding general annual licensing meeting, and the justices are satisfied that the applicant had reasonable cause for not applying for renewal at that meeting;

(b) the power to make regulations under section twenty-eight of the Licensing Act, 1953 (which enables licensing justices to restrict repeated applications for transfer or special removal);

(c) the power to make orders under section eighty-six of that Act (which relates to the extinguishment of licences in suspense by reason of war circumstances);

(d) the power to make orders under this Act fixing the general licensing hours in the licensing district;

and paragraph (a) of subsection (1) above shall not apply to powers exercisable by licensing justices otherwise than under or for the purposes of the Licensing Act, 1953, nor affect the operation of any enactment in so far as it expressly authorises licensing justices to act otherwise than at a licensing sessions.

(3) Compensation authorities for the purposes of the Licensing Act, 1953, shall continue to be constituted and Part II of the First Schedule to that Act shall continue to apply to them as heretofore; but they shall be known as "compensation committees" (instead of "confirming and compensation committees").

(4) Part I of the Fourth Schedule to this Act shall have effect with respect to the holding of licensing sessions and to the procedure at and in connection with those sessions, with respect to appeals from licensing justices to quarter sessions, and with respect to the duration of justices' licences, and Part II of that Schedule shall have effect for adapting and correcting the Licensing Act, 1953, in connection with the provisions of this section.

Special provisions as to removal and transfer.

**13.**—(1) A justices' licence may be granted by way of transfer or removal before the coming into force of the licence transferred or removed or after it has ceased for any reason to be in force (and accordingly in subsection (1) of section twenty-four of the

Licensing Act, 1953, for the reference to the premises for which the licence is in force there shall be substituted a reference to the premises for which it was granted).

(2) The powers conferred by subsection (4) of section twenty-one of the Licensing Act, 1953, to grant licences by way of transfer shall be extended as follows:—

(a) paragraph (b) of that subsection shall authorise the transfer of a licence where the holder becomes incapable through illness or other infirmity of carrying on business under the licence, notwithstanding that the licence has ceased to be in force before the transfer, and accordingly in that paragraph for the words “is incapable” there shall be substituted the words “becomes incapable”;

(b) paragraph (d) shall authorise the transfer of a licence where the holder or his representatives is or are about to give up occupation of the premises, and for the purposes of that paragraph a person occupying the premises for the purpose of carrying on business under the licence shall be treated as giving up occupation on his giving up the carrying on of the business, notwithstanding that he remains temporarily in occupation of the premises or part of them.

(3) Section twenty-one of the Licensing Act, 1953, shall apply in relation to the transfer of a provisional licence as if the licence were in force, but so that paragraphs (e) and (f) of subsection (4) of section twenty-one shall not apply, and for the purposes of that subsection as it applies to provisional licences “occupation” shall include intended occupation, and other expressions shall be similarly construed.

14.—(1) On an application by the holder of a justices' on-licence, or on the renewal or transfer of a justices' on-licence and at the request of the person applying for the renewal or transfer, the licensing justices, if satisfied that the application or request is made with the consent of the registered owner, shall vary the licence so as to add to the descriptions of intoxicating liquor authorised to be sold in the licensed premises:

Power to extend existing on-licence to additional types of liquor.

Provided that where the premises are in a licensing planning area, or in a new town, the licence shall not be varied unless the licensing justices are satisfied that the licensing planning committee, or the committee constituted for the new town under section sixty-eight of the Licensing Act, 1953, have no objection to the variation.

(2) On the variation of a licence under this section the licensing justices shall have the like power to attach conditions as they would have if they were granting the licence (with the variation) as a new justices' on-licence, and any conditions attached may be

**PART II** in addition to or in substitution for any conditions previously attached to the licence.

(3) A licence varied under this section, or granted by way of renewal from time to time of a licence so varied, shall not be treated as an old on-licence within the meaning of the Licensing Act, 1953.

**Provisional licences.**

**15.**—(1) Licensing justices shall declare final a provisional grant of a justices' on-licence, notwithstanding they are not satisfied that the premises have been completed in accordance with the plans deposited, if they are satisfied that the premises have been completed in accordance with those plans with modifications consented to by the licensing justices; and licensing justices on an application by the holder of a provisional licence may consent to any modifications of the deposited plans where in their opinion the premises, if completed in accordance with the modified plans, will be fit and convenient for their purpose.

(2) If on an application for the provisional grant of a justices' on-licence the applicant deposits, instead of plans of the premises, a plan sufficient to identify the site of the premises, together with such description of the premises as will give a general indication of their proposed size and character (with reference in particular to the sale of intoxicating liquor), then—

- (a) the licensing justices shall deal with the application as if the site plan and description deposited instead were the deposited plans, and shall assume that the premises will be fit and convenient for their purpose; but
- (b) any provisional grant of a licence made on the application shall become ineffective unless affirmed under subsection (3) below in pursuance of an application made at a licensing sessions held within the twelve months following the date of the grant (or, where there is an appeal, the date the appeal is disposed of).

(3) Where licensing justices make a provisional grant of a licence by virtue of subsection (2) above, the holder of the provisional licence may apply for the grant to be affirmed and shall give notice of the application and deposit plans, as if he were applying (otherwise than under subsection (2) above) for the grant of the licence; and the licensing justices shall affirm the provisional grant if satisfied that the premises, if completed in accordance with the plans deposited, will be fit and convenient for their purpose.

(4) Where any premises are about to be altered or extended or are in the course of alteration or extension for the purpose of being used as a house for the sale of intoxicating liquor for consumption on the premises, the enactments relating to provisional grants of justices' on-licences shall apply as they apply



## PART II

where premises are about to be constructed or are in the course of construction for that purpose, and shall so apply notwithstanding that the premises are already used for that purpose.

This subsection shall not affect the power of licensing justices under section one hundred and thirty-four of the Licensing Act, 1953, to sanction alterations of licensed premises in cases where a new justices' on-licence or the removal of a justices' on-licence is not required or desired.

(5) There shall be an appeal to quarter sessions against any refusal of licensing justices to declare a provisional grant final, or to affirm a provisional grant, or to give their consent under subsection (1) above, as in the case of a refusal to make the grant.

(6) The foregoing provisions of this section shall have effect in relation to provisional grants whether of a new justices' on-licence or of a removal of a justices' on-licence; but subsection (2) above shall not apply to an application for a planning removal under subsection (2) of section fifty-eight of the Licensing Act, 1953, or to an application for a provisional grant made as mentioned in subsection (1) of section seventy-one of that Act (which applies to licences for premises on approved sites in new towns).

(7) The provisions of the Licensing Act, 1953, authorising provisional grants of justices' on-licences, together with the foregoing provisions of this section, shall apply in relation to provisional grants of justices' off-licences as they apply in relation to provisional grants of justices' on-licences, but with the substitution for references to a justices' on-licence of references to a justices' off-licence and for references to consumption on the premises of references to consumption off the premises, and with the omission of so much of subsection (4) above as relates to section one hundred and thirty-four of the Licensing Act, 1953.

(8) Subsection (1) and, so far as relates to appeals against a refusal to give consent under that subsection or to declare a provisional grant final, subsection (5) above shall with any necessary modifications apply in relation to provisional grants of licences under the Licensing (Seamen's Canteens) Act, 1954.

16.—(1) A protection order made for any premises under section twenty-three of the Licensing Act, 1953, shall remain in force until the conclusion of the second licensing sessions begun after the date of the order (and until any application made at the sessions for a transfer of the justices' licence for the premises has been disposed of), except that it shall cease to have effect before that time on the coming into force of a justices' licence granted by way of transfer or removal of the licence for the premises, or the coming into force of a further protection order for the premises.

Protection orders.

**PART II**

(2) A protection order may be made for any premises so as to supersede a previous protection order, if the justices making the order are satisfied that the person granted the previous protection order consents to its being superseded, or that he no longer proposes to apply for a transfer of the licence or is not qualified to do so, or that he is for any reason unable to carry on business under the protection order.

(3) The authority conferred by a protection order in respect of any premises shall be the same as that conferred by the justices' licence in force (or last in force) for those premises ; and, while the order is in force, the enactments relating to the sale of intoxicating liquor and to licensed premises (other than those relating to the renewal or transfer of licences or to protection orders) shall apply to the person granted the order as if he were the holder of that licence and the holder also, until the expiration of the term for which it was granted, of any excise licence taken out for the premises before the making of the protection order.

(4) Where the holder of a justices' licence dies, or is adjudged bankrupt, or a trustee is appointed in pursuance of a composition or scheme within the meaning of the Bankruptcy Act, 1914, to administer the property or manage the business of the holder of a justices' licence, or a trustee is appointed under a deed of arrangement within the meaning of the Deeds of Arrangement Act, 1914, for the benefit of the creditors of the holder of a justices' licence, the personal representatives or trustee shall be in the same position as regards carrying on business under the licence as a person to whom a protection order had been validly granted on the date of the death, adjudication in bankruptcy or appointment of a trustee as aforesaid.

(5) Not more than one protection order may be granted under subsection (3) of section twenty-three of the Licensing Act, 1953, on any forfeiture of a justices' licence or disqualification of the licence holder ; but where a person is granted a protection order under that subsection, the licence may be transferred to him under paragraph (f) of subsection (4) of section twenty-one of the Licensing Act, 1953, at the first or second licensing sessions begun after the making of the order (but not at a later licensing sessions).

Restriction  
on grant of  
justices'  
licence for  
premises on  
special roads.

17.—(1) Premises shall be disqualified for receiving a justices' licence if they are situated on land acquired or appropriated by a special road authority, and for the time being used, for the provision of facilities to be used in connection with the use of a special road provided for the use of traffic of class I (with or without other classes).

## PART II

(2) For the purposes of this section—

- (a) “special road” and “special road authority” have the same meanings as in the Highways Act, 1959, except that “special road” includes a trunk road to which by virtue of section nineteen of that Act the provisions of the Act apply as if the road were a special road; and
- (b) “class I” means class I in the Fourth Schedule to that Act, as varied from time to time by any order under section twelve of the Act, but if that Schedule is amended by such an order so as to add to it a further class of traffic, the order may adapt the reference in this section to traffic of class I so as to take account of the additional class.

**18.**—(1) There may be charged by justices’ clerks in respect of matters arising under the Licensing Act, 1953, the Licensing (Seamen’s Canteens) Act, 1954, or this Act such fees as may be provided for by order of the Secretary of State made by statutory instrument and no others, and this subsection shall apply to the fees chargeable in any stipendiary magistrates’ court, and to those chargeable by a justices’ clerk acting as clerk to licensing justices or in any other capacity, as it applies to fees chargeable by a justices’ clerk acting as such:

Miscellaneous amendments as to grant of licences, proceedings and fees.

Provided that—

- (a) any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament; and
- (b) until the coming into force of an order under this subsection there may be charged the like fees as if this Act had not been passed; and
- (c) this subsection shall not affect the court fees chargeable (under the Magistrates’ Courts Act, 1952, or otherwise) in connection with prosecutions or with the enforcement of orders of a magistrates’ court, nor the fees chargeable by a justices’ clerk acting as secretary to a licensing planning committee.

(2) In the Licensing Act, 1953, there shall cease to have effect—

- (a) section thirty-two (which disqualifies for receiving a justices’ licence premises not providing the accommodation, or below the annual value, there referred to); and
- (b) subsection (3) of section one hundred and forty-eight (which requires justices to refuse their consent to the grant of an occasional licence, unless they think the grant expedient for the convenience and accommodation of the public).

**PART II**

(3) Licensing justices may grant an ordinary removal to any premises in their licensing district from any premises (and not only from premises in their licensing district or the county of which it forms part, as provided by subsection (4) of section twenty-four of the Licensing Act, 1953).

(4) Justices of the peace may, if they see fit, grant without a hearing a special order of exemption, or the consent required for an occasional licence, if written application for the grant is made by lodging two copies of the application with the clerk to the justices not less than one month before the day or earliest day for which application is made and, in the case of an application for consent, if the application gives the particulars required by subsection (2) of section one hundred and forty-eight of the Licensing Act, 1953, for a notice under that subsection:

Provided that—

- (a) the clerk on receipt of the application shall serve notice of it on the chief officer of police by sending him a copy of the application ; and
- (b) if, not later than seven days after the day he sends it, written notice of objection is given by or on behalf of the chief officer to the clerk by lodging two copies with him, the application shall not be granted without a hearing, unless the objection is afterwards withdrawn by a further notice given in the same way ; and
- (c) the clerk, on receipt of any such notice of objection or notice withdrawing an objection, shall send a copy to the applicant.

(5) Where written application is made in accordance with subsection (4) above for the consent required for an occasional licence, but the application is not granted without a hearing, the application may be heard without the applicant having served notice on the chief officer of police under subsection (2) of section one hundred and forty-eight of the Licensing Act, 1953.

(6) Where a document is required by the Licensing Act, 1953, to be served by registered post, it may be served either by registered post or by recorded delivery service.

*Miscellaneous*

Licensing  
justices'  
interests.

19. A justice having an interest in the profits of any premises shall not be thereby disqualified under subsection (4) of section forty-eight of the Licensing Act, 1953, or otherwise from acting under that Act or this Act, if he would not fall to be treated as having such an interest but for the fact that he has a beneficial interest in shares of a company or other body having an interest

in those profits, and if his beneficial interest in the shares of the company or body does not extend to shares of a total nominal value greater than twenty-five pounds, or to more than one-hundredth in nominal value of its issued share capital or of any class of its issued share capital.

In this section "share" includes stock, and "share capital" shall be construed accordingly.

**20.**—(1) An alteration to premises for which a justices' on-licence is in force shall not require the consent of the licensing justices under section one hundred and thirty-four of the Licensing Act, 1953, unless the alteration—

Consent not required for certain alterations to licensed premises.

- (a) gives increased facilities for drinking in a public or common part of the premises ; or
- (b) conceals from observation a public or common part used for drinking ; or
- (c) affects the communication between the public part where intoxicating liquor is sold and the remainder of the premises or any street or other public way ;

and accordingly in subsection (1) of that section for paragraphs (a) to (c) there shall be substituted paragraphs in terms of paragraphs (a) to (c) of this subsection.

(2) For the purposes of subsection (1) above—

- (a) "public part" means a part open to customers who are not residents or guests of residents ; and
- (b) "common part" means a part open generally to all residents or to a particular class of them.

(3) Where under section one hundred and thirty-four of the Licensing Act, 1953, consent is required to an alteration to licensed premises and is refused, there shall be the like appeal to quarter sessions against the refusal as there is against an order under section twelve of the Licensing Act, 1953, and section thirty-five of that Act shall apply accordingly.

(4) This section shall apply in relation to a canteen licensed under the Licensing (Seamen's Canteens) Act, 1954, as it applies in relation to premises for which a justices' on-licence is in force.

**21.**—(1) Subject to section twenty-four of this Act, in licensed premises the holder of the licence or his servant shall not knowingly sell intoxicating liquor to a person under eighteen, or knowingly allow a person under eighteen to consume intoxicating liquor in a bar, nor shall the holder of the licence knowingly allow any person to sell intoxicating liquor to a person under eighteen.

Protection of young persons.

**PART II**

(2) A person under eighteen shall not in licensed premises buy or attempt to buy intoxicating liquor, nor consume intoxicating liquor in a bar.

(3) No person shall buy or attempt to buy intoxicating liquor for consumption in a bar in licensed premises by a person under eighteen.

(4) In the foregoing subsections, and in sections one hundred and twenty-six and one hundred and twenty-seven of the Licensing Act, 1953 (which contain other provisions for the protection of children and young persons), references to a bar shall not apply to a bar at any time when it is, as is usual in the premises in question, set apart for the service of table meals and not used for the sale or supply of intoxicating liquor otherwise than to persons having table meals there and for consumption by such a person as an ancillary to his meal; and nothing in subsection (1) or (2) above 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 the premises usually set apart for the service of meals which is not a bar or in a bar at any such time as aforesaid.

(5) The holder of the licence or his servant shall not knowingly deliver, nor shall the holder of the licence knowingly allow any person to deliver, to a person under eighteen intoxicating liquor sold in licensed premises for consumption off the premises, except where the delivery is made at the residence or working place of the purchaser, nor shall any person knowingly send a person under eighteen for the purpose of obtaining intoxicating liquor sold or to be sold as aforesaid from the licensed premises or other premises from which the liquor is delivered in pursuance of the sale:

Provided that this subsection shall not apply where the person under eighteen is a member of the licence holder's family or his servant or apprentice and is employed as a messenger to deliver intoxicating liquor.

(6) A person guilty of an offence under this section (other than an offence under subsection (2)) shall be liable on a first conviction to a fine not exceeding twenty-five pounds and on a second or subsequent conviction to a fine not exceeding fifty pounds; and on a person's second or subsequent conviction of such an offence the court may, if the offence was committed by him as the holder of a justices' licence, order that he shall forfeit the licence.

(7) A person guilty of an offence under subsection (2) of this section shall be liable to a fine not exceeding twenty pounds.

(8) Where a justices' licence is forfeited under subsection (6) above, justices of the peace shall have the like power to make a protection order under subsection (3) of section twenty-three of

the Licensing Act, 1953, as they have in a case falling within that subsection, and the provisions relating to transfers of licences shall apply accordingly.

(9) In subsection (1) of section one hundred and twenty-seven of the Licensing Act, 1953 (under which the holder of a justices' licence is guilty of an offence if a person under eighteen is employed in a bar of licensed premises when the bar is open for the sale or consumption of liquor), the word "justices'" shall be omitted.

(10) Subsections (1) to (3) and subsection (9) above (but not subsection (4)) shall apply in relation to any canteen, within the meaning of the Licensing (Seamen's Canteens) Act, 1954, in respect of which a licence is in force under that Act as if the canteen were licensed premises, but with the substitution for any reference to a bar of a reference to the canteen; and in subsection (6) above the references to a justices' licence shall accordingly include a licence under that Act.

(11) For the purposes of subsection (6) above a conviction of an offence under section one hundred and twenty-eight or subsection (1), (4) or (5) of section one hundred and twenty-nine of the Licensing Act, 1953 (or under any of those enactments as applied by the Licensing (Seamen's Canteens) Act, 1954, or by the Occasional Licences and Young Persons Act, 1956) shall be taken into account in the same way as a conviction of an offence under this section other than an offence under subsection (2).

**22.—(1) If—**

- (a) the holder of a justices' on-licence knowingly sells or supplies intoxicating liquor to persons to whom he is not permitted by the conditions of the licence to sell or supply it; or
- (b) the holder of a restaurant licence, residential licence or residential and restaurant licence knowingly permits intoxicating liquor sold in pursuance of the licence to be consumed on the licensed premises by persons for whose consumption of it there he is not permitted by the conditions of the licence to sell it;

Penalty for unauthorised sales of intoxicating liquor.

he shall be guilty of an offence under this section.

(2) A person guilty of an offence under this section, or of an offence under section one hundred and twenty of the Licensing Act, 1953 (which relates to selling intoxicating liquor without a licence), shall be liable to imprisonment for a term not exceeding six months, or to a fine not exceeding two hundred pounds, or to both.

(3) For offences under section one hundred and twenty of the Licensing Act, 1953, subsection (2) above shall be without prejudice to the provisions for disqualification or forfeiture contained in subsections (3), (4) and (5) of that section; and section

**PART II** three of this Act shall apply to offences under this section, as well as to the offences specified in subsection (10) of that section.

(4) This section shall not affect the powers of the court on a person's conviction for an offence committed before this section comes into force.

**Miscellaneous relaxations of law as to licensed premises.**

**23.**—(1) Section one hundred and thirty-two of the Licensing Act, 1953 (which restricts sales of intoxicating liquor on credit), shall not, in the case of licensed premises, apply to the sale, supply or consumption of intoxicating liquor, if the liquor is sold or supplied for the consumption of a person residing in the premises or his guests and is paid for with his accommodation.

(2) No statutory regulations for music and dancing (as defined in subsection (1) of section eight of this Act) shall apply to licensed premises so as to require any licence for the provision in the premises of public entertainment by the reproduction of wireless (including television) broadcasts, or of public entertainment by way of music and singing only which is provided solely by the reproduction of recorded sound, or by not more than two performers, or sometimes in one of those ways and sometimes in the other.

(3) Notwithstanding anything in section thirteen of the Gaming Act, 1845, in any licensed premises within the meaning of this Act (including premises for which a billiard licence is also required under that Act) play on a public billiard table, bagatelle board, or instrument used in any game of the like kind, may be allowed on Sundays, Christmas Day and Good Friday, and on any day appointed for public fast or thanksgiving, at the same times as it may be allowed on other days.

(4) So much of section one hundred and fifty-seven of the Licensing Act, 1953, as prohibits the use as a courthouse, or for meetings of licensing justices, of a room in a building part of which is licensed premises shall cease to have effect.

**Liqueur chocolates.**

**24.**—(1) No provision of the Licensing Act, 1953, the Licensing (Seamen's Canteens) Act, 1954, or this Act as to the sale, supply, purchase, delivery or consumption of intoxicating liquor, except subsection (2) below, and no enactment requiring the authority of an excise licence for the sale or supply of intoxicating liquor shall have effect in relation to intoxicating liquor in confectionery which—

- (a) does not contain intoxicating liquor in a proportion greater than one fiftieth of a gallon of liquor (computed as proof spirit) per pound of the confectionery; and
- (b) either consists of separate pieces weighing not more than one and a half ounces or is designed to be broken into such pieces for the purposes of consumption.



(2) Intoxicating liquor in confectionery shall not be sold to a person under sixteen, and if any person knowingly contravenes this subsection he shall be liable on a first conviction to a fine not exceeding ten pounds and on a subsequent conviction to a fine not exceeding twenty-five pounds.

PART II

## PART III

## SALE AND SUPPLY OF INTOXICATING LIQUOR IN CLUB PREMISES

**25.**—(1) No intoxicating liquor shall on any club premises be supplied by or on behalf of the club to a member or guest, unless the club is registered under this Act in respect of those premises or the liquor is supplied under the authority of a justices' licence held by the club for the premises. Conditions for supply of intoxicating liquor by clubs.

A person supplying or authorising the supply of intoxicating liquor in contravention of this subsection shall be liable to imprisonment for a term not exceeding six months, or to a fine not exceeding two hundred pounds, or to both.

(2) No intoxicating liquor shall, on any club premises in respect of which the club is registered, be supplied by or on behalf of the club for consumption off the premises except to a member in person.

A person supplying or obtaining intoxicating liquor in contravention of this subsection shall be liable to a fine not exceeding ten pounds.

(3) Intoxicating liquor shall not be supplied by or on behalf of a registered club to a member or guest except at club premises in respect of which the club is registered or at any premises or place which the club is using on a special occasion for the accommodation of members and to which persons other than members and their guests are not permitted access; and at any premises or place other than club premises in respect of which the club is registered intoxicating liquor shall be so supplied only for consumption in the premises or place.

A person supplying or obtaining intoxicating liquor in contravention of this subsection shall be liable to a fine not exceeding ten pounds.

(4) If intoxicating liquor is kept in any premises or place by or on behalf of a club for supply to members or their guests in contravention of this section, every officer of the club shall be liable to a fine not exceeding ten pounds, unless he shows that it was so kept without his knowledge or consent.

(5) Nothing in section seventy-seven of the Licensing Act, 1953 (which relates to the Carlisle district), shall restrict the supply of intoxicating liquor by or on behalf of a club at club premises in respect of which the club is registered or at any such premises or place as mentioned in subsection (3) above.

## PART III

(6) Written notice (signed by the chairman or by the secretary of the club) of the hours, if any, fixed as the permitted hours for any club premises by or under the rules of the club shall be given to the clerk to the justices for the petty sessions area in which the premises are; and no decision fixing those hours shall be effective until notice is so given, but the hours previously fixed and notified, if any, shall continue to apply.

(7) For the purposes of this Act "club premises" means premises which are occupied by and habitually used for the purposes of a club.

Qualifications  
for  
registration.

26.—(1) A club shall be registered in respect of any premises if and so long as it holds for those premises a certificate under this Act of a magistrates' court (in this Part of this Act referred to as a "registration certificate"), and not otherwise.

(2) Subject to the provisions of this Act, a registration certificate shall have effect for twelve months, but may be from time to time renewed, or may at any time be surrendered by the club.

(3) Any renewal of a registration certificate shall be for one year from the expiration of the period for which the certificate was issued or last renewed, except that on the second or any subsequent renewal the certificate may, if the court thinks fit, be renewed for such number of years (not exceeding ten) from the expiration of that period as may be requested in the application for renewal or for any less number of years.

(4) Where an application is duly made in accordance with this Part of this Act for the issue or renewal of a registration certificate, the magistrates' court shall not, in the absence of an objection duly made as aforesaid, refuse the application except as provided by the following provisions of this section; and a magistrates' court shall state in writing the grounds of any refusal to issue or renew a registration certificate.

(5) A club shall only be qualified to receive a registration certificate (whether in the first instance or by way of renewal), if under the rules of the club persons may not be admitted to membership, or be admitted as candidates for membership to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission, nor may persons becoming members without prior nomination or application be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.

(6) A club shall be qualified to receive a registration certificate for any premises (whether in the first instance or by way of renewal), only if—

- (a) it is established and conducted in good faith as a club, and has not less than twenty-five members; and

## PART III

- (b) intoxicating liquor is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club ; and
- (c) the purchase for the club, and the supply by the club, of intoxicating liquor (so far as not managed by the club in general meeting or otherwise by the general body of members) is managed by an elective committee, as defined in the Fifth Schedule to this Act.

(7) A club shall be qualified to receive a registration certificate for any premises (whether in the first instance or by way of renewal), only if no arrangements are, or are intended to be, made—

- (a) for any person to receive at the expense of the club any commission, percentage or similar payment on or with reference to purchases of intoxicating liquor by the club ; or
- (b) for any person directly or indirectly to derive any pecuniary benefit from the supply of intoxicating liquor by or on behalf of the club to members or guests, apart from any benefit accruing to the club as a whole and apart also from any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club.

(8) Subject to subsection (9) below, in determining whether a club is established and conducted in good faith as a club a magistrates' court may have regard—

- (a) to any arrangement restricting the club's freedom of purchase of intoxicating liquor ; and
- (b) to any provision in the rules, or arrangement, under which money or property of the club, or any gain arising from the carrying on of the club, is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes ; and
- (c) to the arrangements for giving members proper information as to the finances of the club, and to the books of account and other records kept to ensure the accuracy of that information ; and
- (d) to the nature of the premises occupied by the club.

(9) Subject to subsection (2) of section twenty-eight of this Act, where the rules of a club applying for the issue or renewal of a registration certificate conform with the Fifth Schedule to this Act, the court shall assume, as regards any matters not raised by an objection duly made in accordance with this Part of this Act, that the club satisfies the conditions of subsection (6) above and, in the case of a renewal, also the conditions of subsection (7).

**PART III** Provided that this subsection shall not prevent the court, if it sees fit, from inquiring whether there is any such arrangement or provision in the rules as is referred to in paragraph (a) or (b) of subsection (8) above and, if so, whether it is such that the club ought not to be treated as established and conducted in good faith as a club.

(10) A magistrates' court may refuse an application for the issue or renewal of a registration certificate, if it is proved that a person who if a certificate is granted will during the currency of the certificate or is likely during its currency to take any active part in the management of the club is not a fit person, in view of his known character as proved to the court, to be concerned in the management of a registered club.

(11) A registration certificate shall not be issued or renewed, nor have effect, for premises disqualified (by an order under this Part of this Act) for use for the purposes of a registered club, nor for licensed premises, nor for premises which include or form part of premises so disqualified or licensed premises :

Provided that this subsection shall not prevent the issue or renewal for any premises of a registration certificate to take effect on their ceasing to be, include or form part of premises so disqualified or licensed premises.

(12) A magistrates' court may refuse an application for the issue or renewal of a registration certificate—

(a) if the premises or any premises including or forming part of them have been licensed premises within the twelve months preceding the making of the application but have ceased to be licensed premises by the forfeiture of the licence or by the refusal of an application to renew it ; or

(b) if the club has other club premises which are licensed premises and the court is of opinion that the issue or renewal of the registration certificate is likely to give occasion for abuse by reason of any difference in the permitted hours in the premises or otherwise.

(13) In the case of a club which is a registered society within the meaning of the Industrial and Provident Societies Act, 1893, or the Friendly Societies Act, 1896—

(a) any requirement of paragraph (c) of subsection (6) of this section that a matter shall be managed by an elective committee shall be treated as satisfied so long as the matter is under the control of the members or of a committee appointed by the members (and references in this Act to that subsection shall be taken as referring to it as modified by this paragraph) ; and

## PART III

- (b) the rules of the club shall be treated as conforming with the Fifth Schedule to this Act so long as they conform with that Schedule as regards voting at general meetings and as regards election or admission to membership.

(14) Where the rules of a club make provision for a class of members to have limited rights or no rights of voting in relation to the affairs of the club, any question whether the requirements of paragraph (c) of subsection (6) of this section are satisfied in relation to the club, or whether the rules of the club conform with the Fifth Schedule to this Act, shall if the court determining the question so directs be determined as if the exclusion of that class from voting to the extent provided for by the rules were authorised by the provisions of that Schedule as to voting at general meetings or elections; but the court shall not so direct unless satisfied that the provision so made by the rules is part of a bona fide arrangement made in the interest of the club as a whole and of that class of members for facilitating the membership of persons who are precluded by distance or other circumstances from making full use of the privileges of membership, and is not designed to secure for a minority of the members an unfair measure of control over the affairs of the club.

**27.**—(1) Objection to an application for the issue or renewal of a registration certificate for any premises may be made, on any ground mentioned in subsection (2) below, by the chief officer of police, by the local authority or by any person affected by reason of his occupation of or interest in other premises; and a complaint in writing against a club for the cancellation of a registration certificate held by the club for any premises may be made to a magistrates' court, on any ground mentioned in subsection (3) below, by the chief officer of police or by the local authority.

Objections to and cancellations of registration, and disqualification of premises.

(2) An objection to the issue or renewal of a registration certificate may be made on any one or more of the following grounds, that is to say,—

- (a) that the application does not give the information required by this Part of this Act, or the information is incomplete or inaccurate, or the application is otherwise not in conformity with this Part of this Act;
- (b) that the premises are not suitable and convenient for the purpose in view of their character and condition and of the size and nature of the club;
- (c) that the club does not satisfy the conditions of subsections (5) to (7) of section twenty-six of this Act, or that the application must or ought to be refused under subsection (10), (11) or (12) of that section;

## PART III

- (d) that the club is conducted in a disorderly manner or for an unlawful purpose, or that the rules of the club are habitually disregarded as respects the admission of persons to membership or to the privileges of membership or in any other material respect ;
- (e) that the club premises or any of them (including premises in respect of which the club is not registered or seeking registration) are habitually used for an unlawful purpose, or for indecent displays, or as a resort of criminals or prostitutes, or that in any such premises there is frequent drunkenness, or there have within the preceding twelve months been illegal sales of intoxicating liquor, or persons not qualified to be supplied with intoxicating liquor there are habitually admitted for the purpose of obtaining it ;

and the court, if satisfied that the ground of objection is made out, may refuse the application and, in the case of an objection made on any of the grounds mentioned in paragraphs (a) to (c) above, shall do so unless in the case of an objection made on the ground mentioned in paragraph (b) the court thinks it reasonable not to, having regard to any steps taken or proposed to be taken to remove the ground of objection.

(3) A complaint for the cancellation of a registration certificate may be made on any ground on which objection might be made under paragraph (c), (d) or (e) of subsection (2) above to an application for the renewal of the certificate ; and the court, if satisfied that on such an objection the application for renewal must or ought to be refused on that ground, shall cancel the certificate.

(4) Where a club is registered in respect of any premises, and a magistrates' court cancels or refuses to renew the registration certificate for those premises on any ground mentioned in paragraph (c), (d) or (e) of subsection (2) above, the court may order that, for a period specified in the order, the premises shall not be occupied and used for the purposes of any registered club ; but the period specified shall not exceed one year unless the premises have been subject to a previous order under this subsection or to a similar order under any previous enactment about clubs, and shall not in any case exceed five years.

(5) At any time while an order under subsection (4) above is in force, a magistrates' court, on complaint made by any person affected by the order, may revoke the order or vary it by reducing the period of disqualification specified in it.

(6) Any summons granted on a complaint under subsection (5) above for the revocation or variation of an order as respects any premises shall be served on the chief officer of police and on the local authority.

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(7) Where any alteration is made in the rules of a club registered in respect of any premises, the secretary of the club shall give written notice of the alteration to the chief officer of police and to the clerk of the local authority; and if the notice required by this subsection is not given within twenty-eight days of the alteration, the secretary shall be liable to a fine not exceeding ten pounds.

Notwithstanding anything in section one hundred and four of the Magistrates' Courts Act, 1952, proceedings under this subsection for failing to give notice of an alteration of rules may be brought at any time within the twelve months following the date on which the alteration is made.

28.—(1) Notwithstanding anything in any enactment, where a club is registered in respect of any premises, and the rules of the club provide for the admission to the premises of persons other than members and their guests and for the sale of intoxicating liquor to them by or on behalf of the club for consumption on the premises, then subject to the following provisions of this section the authority of a licence shall not be required for such a sale, and intoxicating liquor may be supplied to those persons and their guests for consumption on the premises as it may to members and their guests.

Sale of  
intoxicating  
liquor by  
registered  
clubs.

(2) In determining for the purposes of this Part of this Act whether a club is established and conducted in good faith as a club, a magistrates' court may, notwithstanding anything in subsection (9) of section twenty-six of this Act, have regard to any provision made by the rules for the sale of intoxicating liquor by or on behalf of the club, and to the use made or intended to be made of any such provision; and paragraph (c) of subsection (6) and paragraph (b) of subsection (7) of that section shall apply in relation to the sale of intoxicating liquor by or on behalf of a club as they apply in relation to its supply to members of the club.

(3) A magistrates' court, on the issue or renewal of a registration certificate for any premises, may attach to the certificate such conditions restricting sales of intoxicating liquor on those premises as the court thinks reasonable (including conditions forbidding or restricting any alteration of the rules of the club so as to authorise sales not authorised at the time of the application to the court), and subsection (1) above shall not authorise a sale in breach of any such condition:

Provided that no such condition shall be attached so as to prevent the sale of intoxicating liquor to a person admitted to the premises as being a member of another club, if—

- (a) the other club is registered in respect of premises in the locality which are temporarily closed; or

## PART III

- (b) both clubs exist for learned, educational or political objects of a similar nature ; or
- (c) each of the clubs is primarily a club for persons who are qualified by service or past service, or by any particular service or past service, in Her Majesty's forces and are members of an organisation established by Royal Charter and consisting wholly or mainly of such persons ; or
- (d) each of the clubs is a working men's club (that is to say, a club which is, as regards its purposes, qualified for registration as a working men's club under the Friendly Societies Act, 1896, and is a registered society within the meaning of that Act or of the Industrial and Provident Societies Act, 1893).

(4) A registration certificate may be varied by imposing, varying or revoking any conditions authorised by subsection (3) above:

Provided that no such conditions shall be imposed, varied or revoked under this subsection except either at the time of renewal of the certificate, or on the application of the club, or on complaint in writing made against the club by the chief officer of police or the local authority.

(5) At the hearing of an application for the issue or renewal of a registration certificate, or of an application by a club under subsection (4) above, the chief officer of police or the local authority shall be entitled, on giving written notice of intention to do so, to make representations as to the conditions which ought to be attached to the certificate under this section.

(6) Where the rules of a club registered in respect of any premises are altered so as to authorise at those premises sales of intoxicating liquor not authorised by the rules at the time of the application or last application by the club for the issue or renewal of a registration certificate for those premises, the alteration shall not be effective for the purposes of subsection (1) above until notice of it has been given in accordance with subsection (7) of section twenty-seven of this Act.

Maintenance of register, and procedure for registration, etc.

**29.**—(1) The clerk to the justices for any petty sessions area shall keep a register of clubs holding registration certificates for premises in the area.

(2) The register shall show for the premises in respect of which a club is registered the hours, if any, fixed as the permitted hours by or under the rules of the club (as notified to the clerk to the justices), and shall contain such other particulars, and shall be in such form, as may be prescribed by regulations of the Secretary of State.



## PART III

Any regulations under this subsection shall be made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) The register shall at all reasonable times be open to inspection on payment of the appropriate fee (if any) by any person, and without payment by any officer of police, by any officer of customs and excise, or by any officer of the local authority who is authorised in writing to inspect it on their behalf.

(4) Written notice (signed by the chairman or secretary of the club) shall be given to the clerk to the justices of any change in the particulars of the club which are contained or required to be contained in the register by virtue of regulations under this section; and if the notice required by this subsection is not given within forty-two days of the change, the chairman and secretary shall each be liable to a fine not exceeding fifty pounds.

(5) An application by a club for the issue or renewal of a registration certificate shall be made to a magistrates' court, and shall comply with the requirements of the Sixth Schedule to this Act; and the provisions of the Seventh Schedule to this Act shall have effect as regards the procedure for registration or for cancelling a registration certificate and related matters.

(6) Where an application for the renewal of a registration certificate is made not less than twenty-eight days before the certificate is due to expire, the certificate shall continue in force until the application is disposed of by the magistrates' court or the court otherwise orders under the Seventh Schedule to this Act.

(7) A single registration certificate may relate to any number of premises of the same club, and on an application duly made a registration certificate may, at the time of renewal or otherwise, be varied as regards the premises to which it relates.

(8) Where a variation of a registration certificate would result in the club being registered in respect of different, additional or enlarged premises, and is to be made otherwise than at the time of renewal, the provisions of this Act shall apply as they apply in the case of a renewal (but so that the variation shall not extend the duration of the certificate).

(9) Where a club seeks or holds a registration certificate for two or more premises not contiguous to one another, the court on an objection to the issue or renewal of the certificate or complaint for its cancellation may refuse to issue or renew it or may cancel it for some only of the premises, if the ground of objection or complaint relates only to those premises, or is only made out for those premises, and the court is of opinion that

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it is in the circumstances reasonable for the club to be or remain registered in respect of the other premises; and no order shall be made under subsection (4) of section twenty-seven of this Act in relation to any premises unless the ground of objection or complaint relates to and is made out for those premises or contiguous premises.

(10) If an application by a club for the issue or renewal of a registration certificate, or for the variation of a registration certificate, or a notice under subsection (4) above, contains any statement known to the person signing it to be false in a material particular, or if a person recklessly signs any such application or notice containing a statement which is false in a material particular, the person signing the application or notice shall be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both.

**Appeal to  
quarter  
sessions.**

**30.—**(1) A club may appeal to quarter sessions against any decision of a magistrates' court refusing to issue or renew a registration certificate, or cancelling a registration certificate, or against any decision of a magistrates' court as to the conditions of a registration certificate relating to sales of intoxicating liquor, or against any order of a magistrates' court under subsection (4) of section twenty-seven of this Act.

(2) Where the decision appealed against relates to two or more premises, the appeal may be brought in respect of any of those premises without the others.

(3) Where the decision appealed against was given on an application to the magistrates' court by the club, no person shall be made a party to the appeal except a person who appeared before the magistrates' court to make an objection to or representations on the application, but any such person shall be a party to the appeal, whether or not his objection related to the same premises as the appeal.

(4) Where a magistrates' court refuses an application for the renewal of a registration certificate, the court may, on such conditions as it thinks fit, order that the certificate (as in force at the time of the application) shall continue in force pending the determination of an appeal against the refusal, or pending the consideration of the question of bringing such an appeal.

**Inspection of  
premises before  
first  
registration.**

**31.—**(1) Where a club applies for the issue of a registration certificate in respect of any premises, an officer of the local authority authorised in writing by that authority may, on giving not less than forty-eight hours' notice to the person signing the application and, if the premises are not occupied by the club, to the occupier, and on production of his authority, enter and inspect the premises at any reasonable time on such day, not

## PART III

being more than fourteen days after the making of the application, as may be specified in the notice; and a constable authorised in writing by the chief officer of police shall have the like right to enter and inspect the premises, but a chief officer of police shall not so authorise a constable unless in his opinion special reasons exist making it necessary that the premises should be inspected for the proper discharge of his functions in relation to the registration of clubs.

(2) Any person obstructing a constable or officer of a local authority in the exercise of the power conferred by this section shall be liable to a fine not exceeding five pounds.

(3) If on an application by the chief officer of police or by the local authority it is made to appear to a magistrates' court that after reasonable steps had been taken by and on behalf of the applicant to inspect the premises in good time under subsection (1) above, it was not possible to do so within the time allowed, the court may extend the time allowed.

(4) Where a club applies for the renewal of a registration certificate in respect of different, additional or enlarged premises the foregoing subsections shall have effect as if the application were, so far as relates to those premises, an application for the issue of a registration certificate.

32.—(1) As regards any matter affecting fire risks the local authority, if they are the fire authority, shall have the like rights in relation to the inspection of premises under section thirty-one of this Act on any application for the renewal of a registration certificate for the premises as they have in the case of an application for the issue of a certificate. Rights of fire authorities in connection with registration of clubs.

(2) Where the local authority is not the fire authority, the clerk to the justices shall as soon as may be give the fire authority written notice of the making of an application for the issue or renewal of a registration certificate for any premises.

(3) As regards any matter affecting fire risks a fire authority other than the local authority shall have the like rights—

(a) in relation to the inspection of premises under section thirty-one of this Act; and

(b) in relation to the making of objections, on the ground mentioned in paragraph (b) of subsection (2) of section twenty-seven of this Act, to the issue or renewal or a registration certificate;

as the authority would have if they were the local authority.

(4) In this section "fire authority" means in relation to any premises the authority discharging in the area where the premises are situated the functions of fire authority under the Fire Services Act, 1947.

**PART III**  
**Extended**  
**hours in**  
**premises of**  
**registered**  
**clubs.**

**33.—(1)** Section nine of this Act shall apply in relation to club premises in respect of which a club is registered as it applies in relation to licensed premises, subject to the following modifications:—

- (a) for any reference to licensing justices there shall be substituted a reference to the magistrates' court; and
- (b) an application for an order under subsection (4) shall be made by the club, and notice of the making of the order shall be given under subsection (10) by the secretary of the club; and
- (c) an order under subsection (4) shall lapse on the club's registration certificate ceasing to be in force or on the date from which the certificate is next renewed after the date of the order or, where that certificate has been renewed for a period exceeding a year, on such earlier date (if any) as may be specified in the order; and
- (d) subsections (9), (11), (12) and (13) shall not apply, except in so far as subsection (11) relates to subsection (4) of section eleven of this Act.

(2) Section one hundred and four of the Licensing Act, 1953, shall have effect, in relation to club premises in respect of which a club is registered, with the substitution for the references to the licensing justices for the district in which the premises are situated of references to the magistrates' court; but where in the case of any such premises the magistrates' court has been satisfied as mentioned in paragraph (a) of subsection (1) of that section (or at the time that this section comes into force licensing justices have been and remain so satisfied) the requirement of that section that the court shall be so satisfied shall be treated as fulfilled until the magistrates' court declares that it is no longer so satisfied.

(3) In the foregoing subsections "the magistrates' court" means, in relation to any club premises, a magistrates' court having jurisdiction in relation to the issue and renewal of the club's registration certificate for the premises; and in sections one hundred and thirteen to one hundred and eighteen of the Licensing Act, 1953 (which relate to special hours certificates), the expression "the magistrate" shall have the same meaning.

(4) An application made to a magistrates' court by virtue of subsection (3) above shall be made by way of complaint against the club where the application is for the revocation of a special hours certificate, or of an order under subsection (4) of section nine of this Act, or for a declaration that as respects any premises the court is no longer satisfied as mentioned in paragraph (a) of subsection (1) of section one hundred and four of the Licensing Act, 1953; and, subject to paragraph 6 of the Seventh Schedule

to this Act, sub-paragraphs (3) and (4) of paragraph 5 of that Schedule shall apply in relation to any such complaint as they apply in relation to a complaint for the cancellation or variation of a registration certificate.

PART III

(5) In relation to any application made to a magistrates' court by virtue of subsection (3) above other than an application to which subsection (4) applies, subsection (2) of section thirty-two of this Act and paragraphs 2 and 3, sub-paragraph (1) of paragraph 4 and sub-paragraph (1) of paragraph 5 of the Seventh Schedule to this Act shall (subject to paragraph 6 of that Schedule) apply with any necessary modifications as they apply in relation to applications for the issue of a registration certificate:

Provided that paragraph 2 of the Seventh Schedule shall not require public notice to be given of an application for an order under subsection (4) of section nine of this Act to be made by way of renewal of a previous order (without variation).

(6) Accordingly at the end of subsection (4) of section one hundred and nineteen of the Licensing Act, 1953 (which enables the Secretary of State to make rules for the procedure on an application under sections one hundred and thirteen to one hundred and eighteen of that Act), there shall be added the words "other than an application to a magistrates' court".

**34.** If a justice of the peace is satisfied by information on oath that there is reasonable ground for believing—

Search warrants.

- (a) that there is ground for cancelling (in whole or in part) a registration certificate held by a club, and that evidence of it is to be obtained at the club premises or any of them; or
- (b) that intoxicating liquor is sold or supplied by or on behalf of a club in club premises for which the club does not hold a registration certificate or a justices' licence, or is kept in any club premises for sale or supply in contravention of this Part of this Act;

he may issue a search warrant under his hand to a constable authorising him at any time or times within one month from the date of the warrant to enter the club premises, or any of them, by force if need be, and search them and seize any documents relating to the business of the club.

**35.—**(1) The authority to sell any intoxicating liquor which is conferred by an excise licence taken out for club premises by the club shall include authority for the club to supply that liquor to or to the order of members, notwithstanding that in law the supply is not and does not involve a sale; and a justices' licence for club premises may be granted to the club

Licensing of club premises.

**PART III**

and shall have effect accordingly, and (notwithstanding that the club is registered in respect of other club premises) subsection (3) of section twenty-five of this Act shall not apply to the supply of intoxicating liquor under the authority of the licence.

(2) Any excise licence for the sale of intoxicating liquor in club premises which is to be taken out by the club, and any justices' licence for club premises which is to be granted to a club, shall be taken out or granted in the name of an officer of the club nominated for the purpose by or on behalf of the club; and in relation to any premises for which a licence is so taken out or granted—

- (a) the rights and obligations of the holder of the licence under the enactments relating to the sale of intoxicating liquor and to licensed premises shall attach to the person in whose name the licence is, and those enactments shall apply as if he were, as holder of the licence, in occupation of the premises; and
- (b) for the purposes of those enactments any supply of intoxicating liquor by or on behalf of the club to a member as such or to any person on the order of a member shall be treated as a sale of the liquor to the member, and references to a trade or trader shall apply accordingly.

(3) Where a club is registered in respect of any club premises, and application is made for the grant (whether to the club or to another) of a justices' licence for other club premises of the club, the licensing justices shall not grant the licence unless they are satisfied that the purposes of the licence would not be served by the club being registered in respect of the other premises also and that the grant of the licence is not likely to give occasion for abuse by reason of any difference in the permitted hours in the premises or otherwise.

(4) Where a justices' licence granted for club premises is subject to conditions forbidding or restricting the sale to non-members of intoxicating liquor, the licensing justices may insert in the licence a provision relieving the holder, if and in so far as the justices think appropriate in view of those conditions, from compliance with enactments which require notices to be displayed in or on licensed premises but do not apply to premises in respect of which a club is registered.

(5) Notwithstanding anything in Part I of this Act, subsection (3) above shall apply to a restaurant licence, residential licence or residential and restaurant licence; and any conditions which the licensing justices think proper to attach to a licence for club premises forbidding or restricting sales of intoxicating liquor to non-members shall be disregarded for the purposes of subsection (9) of section one of this Act.

## PART III

(6) Subsection (10) of section six of the Licensing Act, 1953 (by virtue of which licensing justices have no power to attach conditions to the grant of a new justices' on-licence for the sale of wine alone or sweets alone), shall not prevent justices attaching to such a licence for club premises any such conditions as are mentioned in subsection (5) above.

(7) This section shall come into force on the date this Act is passed.

**36.—(1)** A miners' welfare institute may be registered under this Part of this Act as a club subject to and in accordance with subsection (2) below, and in relation to such an institute while so registered the Licensing Act, 1953, this Act, and any other enactment relating to the sale or supply of intoxicating liquor shall have effect (subject to that subsection) as if—

Application of Part III to miners' welfare institutes.

- (a) the institute were a club occupying the premises of the institute and having for members the persons from time to time enrolled as members of the institute ; and
- (b) intoxicating liquor supplied or kept for supply by or on behalf of the trustees or managers in carrying on the institute to members or others were the liquor of the club supplied or kept for supply on behalf of the club.

(2) In relation to the registration of a miners' welfare institute in respect of any premises of the institute sections twenty-six to thirty-two of this Act shall apply as they apply in the case of a club and premises occupied by the club, except that the provisions mentioned below and so much of any other provision as refers to any provision so mentioned shall not apply, namely,—

- (a) in section twenty-six, subsections (6) to (9), (13) and (14) ; and
- (b) in the Sixth Schedule, sub-paragraph (c) of paragraph 5 and paragraphs 6 to 8 ;

and in relation to any miners' welfare institute registered under Part IX of the Licensing Act, 1953, paragraphs 1 to 3 of the Eighth Schedule to this Act shall also apply.

(3) In this section "miners' welfare institute" means an association organised for the social well-being and recreation of persons employed in or about coal mines (or of such persons in particular) ; but nothing in this section shall apply in relation to a miners' welfare institute unless either—

- (a) it is managed by a committee or board of which not less than two-thirds consists partly of persons appointed by or on the nomination of, or appointed or elected from among persons nominated by, the National Coal

**PART III**

Board and partly of persons appointed by or on the nomination of, or appointed or elected from among persons nominated by, an organisation or organisations representing persons so employed ; or

- (b) the premises of the institute are held on trusts to which section two of the Recreational Charities Act, 1958, applies.

**PART IV****SUPPLEMENTARY**

Interpretation, and transitional and consequential provisions.

**37.—(1) In this Act—**

- (a) the expression “registered club” shall, except as provided by this Act and except as regards the period before the coming into force of section twenty-five mean a club registered under this Act ; and
- (b) “licensing sessions” means general annual licensing meeting or transfer sessions ; and
- (c) “table meal” means a meal eaten by a person seated at a table, or at a counter or other structure which serves the purpose of a table and is not used for the service of refreshments for consumption by persons not seated at a table or structure serving the purpose of a table.

(2) For the purposes of this Act and of the Licensing Act, 1953, a person shall be treated as residing in any premises, notwithstanding that he occupies sleeping accommodation in a separate building, if he is provided with that accommodation in the course of a business of providing board and lodging for reward at those premises and the building is habitually used for the purpose by way of annex or overflow in connection with those premises and is occupied and managed with those premises.

(3) Any power to make orders conferred by this Act on the Secretary of State includes power to vary or revoke an order made in the exercise of that power.

**(4) For the purposes of Part III of this Act—**

- (a) “local authority” means the Common Council of the City of London, or the council of the county borough, metropolitan borough or county district, according to the situation of the premises in question ;
- (b) “clerk of the local authority” means, in the City of London or a borough or metropolitan borough, the town clerk ;



## PART IV

(c) references to the chief officer of police shall be construed as referring to the chief officer of police for the police area in which the premises in question are, but so that anything required or authorised to be done by or to a chief officer of police may be done by or to any officer of police designated by the chief officer.

(5) The provisions of the Eighth Schedule to this Act shall have effect in connection with the amendment by this Act of the law relating to clubs.

(6) It is hereby declared that premises licensed under the Licensing (Seamen's Canteens) Act, 1954, are not, by virtue of the licence under that Act or of any excise licence granted in pursuance of it, licensed premises within the meaning of this Act or of the Licensing Act, 1953.

(7) The provisions of the Licensing Act, 1953, relating to the disqualification of justices and justices' clerks in connection with proceedings under that Act, and the supplemental provisions in sections one hundred and fifty-one, one hundred and fifty-four and one hundred and fifty-nine to one hundred and sixty-six of that Act, shall apply in relation to this Act as they apply in relation to that.

**38.—(1)** This Act may be cited as the Licensing Act, 1961.

(2) The Licensing Act, 1953, the Licensing (Seamen's Canteens) Act, 1954, the Licensing (Airports) Act, 1956, and this Act may be cited together as the Licensing Acts, 1953 to 1961.

Short title,  
citation,  
repeal, extent  
and commencement.

(3) The enactments mentioned in the Ninth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule (which includes in Part I certain enactments already obsolete or unnecessary, to the extent mentioned, apart from the provisions of this Act):

Provided that (without prejudice to the provisions of the Interpretation Act, 1889, as to repeals) no such repeal shall affect the prosecution or punishment of offences committed before the coming into force of the repeal.

(4) This Act shall extend to England and Wales only.

(5) This Act, except as otherwise provided, shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and different days may be appointed for different provisions of this Act or for different purposes of the same provision.

## SCHEDULES

### Section 3.

### FIRST SCHEDULE

#### PUNISHMENT OF CERTAIN OFFENCES IN CONNECTION WITH REFRESHMENT HOUSES

1. In the Refreshment Houses Act, 1860, as originally enacted, there shall be substituted—

- (a) in section nine (keeping refreshment house without licence) for the words from “shall forfeit” onwards; and
- (b) in section eighteen (refusal to admit police to refreshment house) for the words from “shall for the first offence” onwards; and
- (c) in section thirty-two (allowing refreshment house to be used for unlawful gaming, or as a resort for prostitutes, thieves or drunken and disorderly persons) for the words from “shall upon conviction thereof” onwards;

the words “shall be liable on summary conviction to a fine not exceeding twenty pounds or, if before the commission of the offence and within the five years preceding his conviction of it he had been convicted of a relevant offence (within the meaning of the First Schedule to the Licensing Act, 1961), then to a fine not exceeding fifty pounds”.

2. On a person's conviction of a relevant offence in respect of any premises, the court by or before which he is convicted may make a disqualification order; and subsections (2) to (6) of section three of this Act shall apply to a disqualification order under this Schedule as they apply to a disqualification order under that section.

3. The relevant offences within the meaning of this Schedule are—

- (a) offences under sections nine, eighteen and thirty-two of the Refreshment Houses Act, 1860;
- (b) offences under section one hundred and twenty (sale of intoxicating liquor without licence) of the Licensing Act, 1953, committed by the keeper of a refreshment house;
- (c) offences under subsection (3) of section one hundred and forty-nine (supply or consumption of intoxicating liquor at parties organised for gain) of the Licensing Act, 1953, committed by the keeper of a refreshment house in connection with parties at the refreshment house.

### Section 6

### SECOND SCHEDULE

#### SUPPLEMENTARY PROVISION FOR POLLS IN WALES AND MONMOUTHSHIRE

1. The local elections rules set out in the Second Schedule to the Representation of the People Act, 1949, and any regulations made under section forty-two of that Act, shall, in their application to polls under section six of this Act, have effect subject to the following paragraphs of this Schedule.

2. Part I of the rules (except in so far as by rule 3 it fixes the hours of the poll), Part II and Part IV shall not apply, nor in Part III rules 20, 26, 32, 36, 42 and 45.

3. The remaining rules shall apply with the omission of any passage relating to candidates or their election, polling or counting agents, or to other matters not relevant to a poll under section six of this Act; and no person's agreement shall be required to a returning officer interrupting the counting of the votes between eight o'clock in the evening and nine o'clock on the following morning.

2ND SCH.

4. The forms in the appendix to this Schedule (apart from the form of requisition paper) shall be substituted for the corresponding passages in the local elections rules or the appendix thereto; and where, in accordance with rule 27, subsections (1), (2), (3) and (6) of section fifty-three of the Representation of the People Act, 1949, are to be read to a person before he makes the declaration of secrecy, they shall be read with the modifications provided for by section six of this Act.

5.—(1) Regulations made under section forty-two of the Representation of the People Act, 1949, may, so far as they relate to voting by proxy or by post or to matters connected therewith, make special provision in connection with polls under section six of this Act; but subject to any such provision the regulations shall apply—

- (a) with the omission of any passage relating to candidates or their agents or to other matters not relevant to such a poll; and
- (b) with the substitution for any reference to the last day for the delivery of nomination papers of a reference to the last day for delivery of requisition papers under section six of this Act; and
- (c) as if any provision for subsection (4) of section fifty-three of the Representation of the People Act, 1949, to be read to a person making a declaration of secrecy were a provision for it to be read with the modification provided for by section six of this Act;

and any form prescribed by any such regulations in connection with voting by proxy or by post shall be used with such modifications (if any) as may be approved by the Secretary of State as necessary to adapt it for the purposes of a poll under section six.

(2) If the date for the poll is altered after any postal ballot papers have been issued, then—

- (a) on any later issue the covering envelopes enclosed for the return of declarations of identity and ballot papers shall be readily distinguishable from those enclosed on the previous issue (that is to say, the issue before the alteration of the date), and there shall be enclosed a notice calling attention to the change of date and stating that documents sent out on the previous issue are not to be used;
- (b) any covering envelopes of the previous issue sent to the returning officer shall on receipt be dealt with in the same way as covering envelopes of later issues, but, on the opening of the ballot boxes provided for covering envelopes, those of the previous issue shall be marked "rejected", shall be set aside unopened, and thereafter shall be dealt with in the same way as other rejected votes;

2ND SCH.

(c) save as aforesaid, the previous issue shall be disregarded for all purposes.

6.—(1) In a county the county returning officer, and in a county borough divided into wards the mayor, may make arrangements for the votes to be counted not by electoral areas, but for the county or county borough as a whole or by such divisions of it as he thinks most convenient, and where arrangements are so made, the counting for the county or county borough as a whole or for each division of it, as the case may be, shall be carried out as it would be if that were the electoral area for which an election were being held:

Provided that where arrangements are so made in relation to a county borough the mayor shall act as returning officer in relation to the counting of the votes, but shall have the like powers in relation to the appointment of deputies as a county returning officer has.

(2) Where the votes are counted otherwise than for the county or county borough as a whole, then on the completion of the counting or any recount for an electoral area or other division the person acting as returning officer for the purpose (if he is not the county returning officer or mayor) shall forthwith notify the county returning officer or mayor of the number of votes counted on either side, but no other step shall be taken (except proper steps for the security of the ballot papers and other documents) unless or until it is ascertained that there is not to be a recount or further recount.

(3) Where it appears to the county returning officer or mayor, on the completion of the counting for the whole county or county borough, that the number of votes counted does not show a majority of more than one hundred for either side, he shall cause the votes to be re-counted and, if the decision on the poll according to the recount would differ from the decision according to the original count, to be again re-counted, and the recount or, if there is one, second recount shall be treated as determining the number of votes cast on either side.

(4) The number of votes cast on either side shall in a county be notified by the county returning officer to the chairman of the county council.

7.—(1) At a poll in a county or county borough any local government elector for the county or county borough may claim to attend the counting of the votes as an observer, by giving to the county returning officer or mayor within seven days of the end of the period allowed for delivering requisition papers a written notice signed by the elector and stating his address, and subject to subparagraph (2) below he shall then have the same rights and obligations and be in all respects in the same position (as nearly as may be) in relation to the counting as a counting agent appointed by a candidate at an election of a councillor for the county or borough, except that his agreement shall not be required to any interruption of the counting.

(2) There shall not be allowed to attend the counting of the votes at any place a greater number of observers under this paragraph than the number of clerks employed there in the counting, or any observer not duly notified of the time and place of counting; and

the persons to be allowed to attend as observers in any case shall be designated by the county returning officer or mayor.

2ND SCH.

(3) Where on any poll a greater number of persons claim to attend the counting as observers than is allowed under sub-paragraph (2) above, the county returning officer or mayor in choosing between them shall have regard to their opinions about Sunday opening (if known to him) with the aim of designating, as far as he can, those for and those against Sunday opening in equal numbers.

(4) A local government elector may in like manner claim to attend the proceedings on the issue and receipt of postal ballot papers, as well as or instead of the counting of the votes, and the foregoing sub-paragraphs shall apply with the necessary modifications of the references to the counting or to a counting agent:

Provided that the number to be allowed to attend on any occasion shall be restricted to such number as the county returning officer or mayor may decide to be reasonable in the circumstances.

*Appendix of forms*

A. Form of requisition paper

We, the subscribers hereto, being local government electors for the [county of ] [county borough of ] do hereby demand a poll under section six of the Licensing Act, 1961, on the question whether licensed premises in the county [borough] should open on Sundays for the sale of intoxicating liquor.

| Signature | Name in full | Qualifying address on register of local government electors | No. on register (including distinctive letter of parliamentary polling district) |
|-----------|--------------|-------------------------------------------------------------|----------------------------------------------------------------------------------|
|           |              |                                                             |                                                                                  |

B. Form of, and directions for printing, ballot paper

(a) *Front of ballot paper*

Are you for or against the opening of licensed premises in the [county of ] [county borough of ] on Sundays for the sale of intoxicating liquor?

FOR Sunday opening . . . . . |  
 AGAINST Sunday opening . . . . . |

(b) *Back of ballot paper*

No.

Ballot on Sunday opening of licensed premises in the [county of ] [county borough of ], the day of . . . . ., 19 . . . . .

## 2ND SCEL

*(c) Directions for printing ballot paper*

1. Nothing is to be printed on the ballot paper except in accordance with these directions, and in so far as practicable—
  - (a) no word shall be printed on the face, except as provided by the form given above ;
  - (b) no rule shall be printed on the face except the rules separating from one another the words "FOR Sunday opening", the words "AGAINST Sunday opening" and the corresponding spaces for the vote to be marked.
2. The number on the back of the ballot paper is to correspond with that on the counterfoil, and shall be printed in small characters.

## C. Form of directions for the guidance of voters in voting

1. The voter should see that the ballot paper, before it is handed to him, is stamped with the official mark.
2. The voter will go into one of the compartments and, with the pencil provided in the compartment, place a cross X on the right-hand side either in the space opposite the words "FOR Sunday opening", if he wishes to vote that way, or in the space opposite the words "AGAINST Sunday opening", if he wishes to vote that way.
3. The voter will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith leave the polling station.
4. If the voter inadvertently spoils a ballot paper he can return it to the officer who will, if satisfied of such inadvertence, give him another paper.
5. If the voter places any mark on the paper by which he may afterwards be identified, his ballot paper will be void and will not be counted.
6. If the voter fraudulently takes a ballot paper out of a polling station or fraudulently puts into the ballot box any paper other than the one given to him by the officer, he will be liable on conviction to imprisonment for a term not exceeding six months or to a fine not exceeding twenty pounds or to both such imprisonment and such fine.

## D. Form of declaration to be made by the companion of a blind person

I, A.B., of \_\_\_\_\_, having been requested to assist C.D. (*in the case of a blind person voting as proxy add "voting as proxy for M.N."*) who is numbered \_\_\_\_\_ on the register of local government electors for the [ \_\_\_\_\_ ] electoral division of the county of \_\_\_\_\_ ] [county borough of \_\_\_\_\_ ] [ \_\_\_\_\_ ] ward of the county borough of \_\_\_\_\_ ] to record his vote at the poll now being held under the Licensing Act, 1961, in the said county [borough], do hereby declare that [I am entitled to vote as

an elector at this poll] [I am the (*state relationship*) of the said voter and have attained the age of twenty-one years], and that I have not previously assisted any blind person [except E.F., of \_\_\_\_\_], to vote at this poll.

2ND SCH.

(Signed), A.B.

day of \_\_\_\_\_, 19 .

I, the undersigned, being the presiding officer for the polling station for the [\_\_\_\_\_] electoral division of the county of \_\_\_\_\_ [county borough of \_\_\_\_\_] [\_\_\_\_\_ ward of the county borough of \_\_\_\_\_], do hereby certify that the above declaration, having been first read to the above named declarant, was signed by the declarant in my presence.

(Signed), G.H.

day of \_\_\_\_\_, 19 .

at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock.  
[a.m.] [p.m.]

NOTE.—If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

#### E. Questions which may be put to voters

(a) In the case of a person applying for a ballot paper as an elector—

- (i) are you the person registered in the register of local government electors now in force as follows (*read the whole entry from the register*)?
- (ii) have you already voted at the present poll here or elsewhere in the [county of \_\_\_\_\_] [county borough of \_\_\_\_\_], otherwise than as proxy for some other person?

(b) In the case of a person applying for a ballot paper as proxy—

- (i) are you the person whose name appears as A.B. in the list of proxies for this poll as entitled to vote as proxy on behalf of C.D.?
- (ii) have you already voted at the present poll here or elsewhere in the [county of \_\_\_\_\_] [county borough of \_\_\_\_\_] as proxy on behalf of C.D.?

### THIRD SCHEDULE

Section 8.

#### ADAPTATIONS OF LICENSING ACT, 1953, SS. 113 TO 119 (SPECIAL HOURS CERTIFICATES) FOR AREAS OUTSIDE METROPOLIS

1. There shall be omitted—

- (a) in subsection (1) of section one hundred and thirteen, the words “in any part of the metropolis outside the City of London, being a part specified for the purposes of this section by an order of the Secretary of State”; and

## 3RD SCH.

(b) in subsection (1) of section one hundred and fourteen, the words from "situated" to "Secretary of State"; and

(c) in section one hundred and fifteen, the words from "being premises" to "Secretary of State".

2. Subject to paragraph 3 below, there shall be substituted—

(a) for any reference to the London County Council a reference to the licensing authority under the statutory regulations for music and dancing; and

(b) for any reference to the Commissioner of Police of the Metropolis a reference to the chief officer of police for the police area in which the premises are.

3. Where the licensing justices are also the licensing authority under the statutory regulations for music and dancing, section one hundred and fourteen shall apply with the omission in subsection (5) of the words "by a person appointed by the Council for the purpose", and with the substitution in subsection (6) for the words "after considering the report of the person appointed to hear the secretary" of the words "after hearing the secretary".

## Section 12.

## FOURTH SCHEDULE

## LICENSING PROCEDURE AND APPEALS

## PART I

## GENERAL PROVISIONS AS TO PROCEDURE, DURATION OF LICENCES AND APPEALS

*Licensing sessions and applications thereto*

1.—(1) The licensing justices for each licensing district shall hold a general annual licensing meeting and not less than four nor more than eight transfer sessions in the twelve months beginning with February in every year.

(2) The licensing sessions of each twelve months shall be held at as nearly regular intervals as may be, and the general annual licensing meeting shall be held in the first fortnight of February.

(3) The licensing justices shall appoint the day, time and place for holding the licensing sessions of each twelve months at a meeting held not less than twenty-one days before the day appointed for the general annual licensing meeting or, in the case of the transfer sessions, either at that meeting or at the general annual licensing meeting.

(4) The licensing justices may for the general annual licensing meeting appoint different days for different parts of the licensing district, and, if they do, may appoint different places also.

(5) A licensing sessions may for the purpose of dealing with business not disposed of be from time to time continued by adjournment beyond the day appointed for the holding of the sessions; but no new application may be made at any adjourned sessions, and references in any enactment (in whatever terms) to the day or first day of a licensing sessions and to the conclusion of a



licensing sessions shall be taken as referring to the day appointed for holding the sessions and to the conclusion of the proceedings on that day (and, in the case of a general annual licensing meeting for which different days are appointed for different parts of the licensing district, as having reference to the one appointed for the relevant part of the district).

(6) When licensing justices have appointed the time and place for holding any licensing sessions, the clerk shall advertise notice of it in a newspaper circulating in the licensing district, and shall send notice of it—

- (a) to every member of the licensing committee ;
- (b) to every holder of a justices' licence in the licensing district ;
- (c) to every person who gives or has previously given the clerk notice of his intention to apply for a justices' licence at those sessions ;
- (d) to the chief officer of police for the police area or each of the police areas in which the licensing district or any part of it is situated.

2.—(1) A person proposing to apply at a licensing sessions for the grant of a new justices' licence, or for the ordinary or special removal or transfer of a justices' licence, shall give the following notices:—

- (a) not less than twenty-one days before the day of the licensing sessions he shall give notice in writing to the clerk to the licensing justices, the chief officer of police and the proper local authority ;
- (b) in the case of a transfer he shall give the like notice to the holder of the licence (if any), and in the case of a removal he shall give the like notice to the registered owner of the premises from which it is sought to remove the licence and the holder of the licence (if any) unless he is also the applicant ;
- (c) except in the case of a transfer, he shall—

(i) not more than twenty-eight days before the day of the licensing sessions display notice of the application for a period of seven days in a place where it can conveniently be read by the public on or near the premises to be licensed (or, in the case of an application for a provisional grant, on or near the proposed site of those premises) ; and

(ii) not more than twenty-eight days nor less than fourteen days before the day of the licensing sessions (and, if the licensing justices so require, on some day or days outside that period but within such other period as they may require) advertise notice of the application in a newspaper circulating in the place where the premises to be licensed are situated.

(2) A person proposing to apply at transfer sessions for the renewal of a justices' licence shall give notice in accordance with paragraph (a) of sub-paragraph (1) above.

## 4TH SCH.

(3) With the notice given under paragraph (a) of sub-paragraph (1) above to the clerk to the licensing justices there shall be deposited a plan of the premises to be licensed, if the application is—

- (a) for the grant of a new justices' on-licence or of an ordinary removal of a justices' on-licence ; or
- (b) for the provisional grant of a new justices' off-licence or of an ordinary removal of a justices' off-licence ;

and is not an application made in accordance with subsection (2) of section fifteen of this Act for a provisional grant.

(4) A notice under this paragraph—

- (a) shall be signed by the applicant or his authorised agent ;
- (b) shall state the name and address of the applicant and, except in the case of a removal of a licence held by him or of a renewal, his trade or calling during the six months preceding the giving of the notice ;
- (c) shall state the situation of the premises to be licensed and, in the case of a removal, the premises from which it is sought to remove the licence ;
- (d) in the case of a new licence, shall state the kind of licence for which application is to be made.

(5) The notice required by paragraph (a) of sub-paragraph (1) above to be given to the proper local authority shall be given—

- (a) if the premises to be licensed are in an urban parish, to the clerk to the rating authority ;
- (b) if those premises are in a borough included in a rural district, to the town clerk (as well as to the clerk to the rating authority) ;
- (c) if those premises are in a rural parish, to the clerk to the parish council or, where there is no parish council, to the chairman of the parish meeting ;

and, in the case of a new licence or a removal, shall also be given to the authority discharging in the area where those premises are situated the functions of fire authority under the Fire Services Act, 1947.

(6) In relation to the notice required by paragraph (a) of sub-paragraph (1) above to be given to the chief officer of police, subsection (4) of section one hundred and sixty-five of the Licensing Act, 1953 (which prescribes by reference to the situation of the relevant premises the chief officer of police to whom notices are to be given), shall have effect in the case of a removal (as in other cases) as if the references to the premises to which the notice relates were references to the premises to be licensed.

(7) The clerk to the licensing justices shall for each licensing sessions keep a list of the persons giving notice under this paragraph of their intention to apply for the grant of a justices' licence ; and

the list shall show the name and address of the applicant, the nature of the application and the situation of the premises to be licensed, and for the fourteen days preceding the sessions shall at all reasonable times be open to inspection by any person on payment of the appropriate fee (if any), and without payment by any officer of customs and excise.

(8) Where the applicant for the grant of a justices' licence has, through inadvertence or misadventure, failed to comply with the requirements of this paragraph, the licensing justices may, upon such terms as they think fit, postpone consideration of his application; and, if on the postponed consideration they are satisfied that any terms so imposed have been complied with, they may deal with the application as if the applicant had complied with the requirements of this paragraph.

3.—(1) On the consideration of an application for a justices' licence the applicant shall, if so required by the licensing justices, attend in person (but so that in the case of a renewal the applicant shall not be required to attend unless objection is made to the renewal), and licensing justices may postpone consideration of an application until the applicant does so attend.

(2) Subsections (1), (3) and (4) of section seventy-seven of the Magistrates' Courts Act, 1952 (which provide for compelling the attendance of witnesses, etc.), shall apply in relation to licensing justices and to an application for the grant of a justices' licence as if they were a magistrates' court for the petty sessions area constituting the licensing district and the application were a complaint.

#### *Appeals to quarter sessions*

4.—(1) Subject to the following sub-paragraphs, sections thirty-five to thirty-seven of the Licensing Act, 1953, shall apply in the case of any appeal to quarter sessions against a decision or order of licensing justices under that Act or this Act as they apply in the case of an appeal against a refusal to renew a justices' licence (subject, however, to any special provision made by section thirty-five for appeals against orders under section twelve of that Act, and to any enactment providing for that section to apply as it applies to appeals against such an order).

(2) No person may appeal to quarter sessions against the grant of a justices' licence who has not appeared before the licensing justices and opposed the grant; and no person may appeal against a refusal to attach conditions to a licence or to vary or revoke conditions previously attached, except the person (if any) whose application or request is required for the justices to have jurisdiction to attach or to vary or revoke the conditions; but where under subsection (6) of section two of this Act conditions are attached on the occasion of a renewal, transfer or removal, the applicant for the renewal, transfer or removal may appeal notwithstanding that it is done at his request.

(3) On an appeal against the grant of a justices' licence the applicant for the licence and not the licensing justices shall be

**4TH SCH.** respondent, and notice of appeal must be given to him as well as to the clerk to the licensing justices ; and the proviso to subsection (1) of section thirty-six and section thirty-seven of the Licensing Act, 1953 (which relate to the costs of licensing justices on an appeal), shall not apply.

(4) On an appeal against a refusal to grant a justices' licence, or against a decision as to conditions given on the grant of a licence, any person who appeared before the licensing justices and opposed the grant shall be respondent in addition to the licensing justices :

Provided that no order for costs shall be made by virtue of this sub-paragraph against any person who does not appear at the hearing of the appeal and oppose the appeal.

(5) On appeals to which section thirty-five of the Licensing Act, 1953, applies, the clerk to the licensing justices shall transmit the notice of appeal to the clerk of the peace, and the appeal shall be entered and notice thereof given by the clerk of the peace, as in a case where the justices' clerk is required to transmit the notice of an appeal from a magistrates' court, and subsection (2) of section eighty-five of the Magistrates' Courts Act, 1952, shall apply accordingly with respect to the abandonment of the appeal ; and where a person appears before licensing justices and opposes the grant of a justices' licence, his name and address shall be recorded by the clerk to the licensing justices and, in the event of an appeal against a refusal of the grant or against a decision as to conditions given on the grant, shall be transmitted to the clerk of the peace with the notice of appeal.

(6) Where there is an appeal against a decision as to the conditions of a licence, or where on appeal quarter sessions grant or confirm the grant of a licence, quarter sessions may by their order make any provision as to the attachment of conditions which the licensing justices might have made ; and subsection (5) of section two of this Act shall apply with the necessary modifications where on an appeal quarter sessions refuse to confirm a grant of a new justices' on-licence.

(7) The quarter sessions having jurisdiction under subsection (1) of section thirty-five of the Licensing Act, 1953, to entertain an appeal against the grant of or refusal to grant an ordinary removal from one county (within the meaning of that subsection) to another, or against a decision as to conditions given on such a grant, shall be determined by reference to the situation of the premises to be licensed.

(8) Where the same application to licensing justices gives rise to more than one appeal to quarter sessions, quarter sessions may give such directions as they think fit for the appeals to be heard together or separately, and where two or more appeals are heard together, quarter sessions may deal with the costs of the appeals, so far as those costs are in their discretion, as if it were a single appeal.

#### *Duration of licences*

5.—(1) Subject to the following provisions of this Part of this Schedule, a justices' licence—

(a) shall be granted to have effect from the time of the grant until the end of the licensing year or, if it is granted in

the last three months of a licensing year, until the end of the following licensing year ; but 4TH SCH.

(b) shall be superseded on the coming into force of a licence granted by way of renewal, transfer or removal of it.

(2) A justices' licence granted by way of transfer or removal may be granted to have effect from a time specified in the grant (not being earlier, where it is granted before the coming into force of the licence transferred or removed, than the time of the coming into force of that licence).

(3) In the case of a licence granted provisionally, sub-paragraph (1) above shall apply as if it were granted at the time when it is declared final, but a transfer of such a licence may be granted so as to have effect for the purpose of superseding that licence from a date before it is declared final, and, if so granted, shall as regards its duration and coming into force be subject to the same provisions as if it were the licence transferred.

(4) Where on the renewal or transfer of a licence the licensing justices attach new conditions (whether in addition to or in substitution for any conditions previously attached), the justices may, on such terms as they think just, suspend the operation of those conditions in whole or in part pending the determination of any appeal against the decision to attach them or pending the consideration of the question of bringing such an appeal.

(5) When (under subsection (4) of section six of the Licensing Act, 1953, or any previous enactment to the like effect) a justices' licence has before the coming into force of this paragraph been granted otherwise than as an annual licence, any licence granted by way of transfer (directly or indirectly) of that licence shall be granted to have effect for a period ending with the term for which that licence was granted :

Provided that this sub-paragraph shall not apply where, after the coming into force of this paragraph, there has been a removal of that licence.

(6) This paragraph shall apply to licences granted by way of removal of a licence in suspense by virtue of section eighty-three or ninety-two of the Licensing Act, 1953, but subject to that shall not affect subsection (4) of section eighty-four or subsection (4) of section ninety-four of that Act.

(7) For the purposes of this paragraph "licensing year" means the twelve months beginning with the fifth day of April in any year.

6.—(1) The provisions of this paragraph shall have effect where on an application to licensing justices for the grant of a new justices' licence or for the grant of a licence by way of ordinary removal of a justices' licence, a person appears before the licensing justices and opposes the grant, but the justices grant the licence.

(2) Until the expiration of the time for bringing an appeal against the grant and, if such an appeal is brought, until the appeal has been disposed of,—

(a) the licence granted shall not come into force ;

## 4TH SCH.

(b) (subject to any direction of the licensing justices to the contrary) in the case of an ordinary removal the licence which it is sought to remove, if in force at the time of the grant, shall not expire.

(3) If on appeal the grant is confirmed or if the appeal is abandoned, the time when the appeal is disposed of shall be substituted for the time of the grant for the purpose of determining the period for which the licence is to have effect, and quarter sessions shall (if need be) amend the licence accordingly.

(4) If there is an appeal against the grant of an ordinary removal, and the licence which it is sought to remove is in force on the day when notice of appeal is given to the applicant for the removal, then—

(a) he may within seven days of that day give notice in writing to the clerk of the peace of his desire that the expiration of that licence shall be postponed for a specified period (not exceeding three weeks) after the appeal is disposed of, and if he does so, sub-paragraph (2) above shall apply until the expiration of that period ;

(b) whether or not he gives such a notice, quarter sessions, if they confirm the grant and if he so requests, may by their order direct that that sub-paragraph shall continue to apply for such further period as they think fit ;

(c) if quarter sessions refuse to confirm the grant, and at the time of their decision it is too late to renew that licence at the general annual licensing meeting at which it was due for renewal, then—

(i) the holder of the licence shall be treated as having had reasonable cause for not applying for renewal at that meeting, and the licence may be renewed at transfer sessions accordingly ; and

(ii) if notice has been given under paragraph (a) above, and within the period for which the licence is continued in force by that paragraph notice is given to the clerk to the licensing justices of an application for the renewal of the licence at the first licensing sessions held not less than twenty-one days after the notice is given, the licence shall not expire until the application is disposed of or those sessions end without it being made.

## PART II

## ADAPTATIONS AND CORRECTIONS OF LICENSING ACT, 1953

7. In subsection (1) of section one hundred and sixty-five of the Licensing Act, 1953, the definition of " new justices' licence " shall be omitted, and in that Act and this Act " new " in relation to a justices' licence shall be taken as referring to a licence granted otherwise than by way of renewal, transfer or removal.

4TH SCH.

8.—(1) For the purposes of the Licensing Act, 1953, the renewal of a justices' licence shall not include the grant of a licence to a person other than the holder or last holder of the licence to be renewed; but in relation to a transfer of a justices' on-licence whereby the duration of the licence is extended subsection (2) of section eleven and section twelve of that Act (which give licensing justices in the case of a renewal certain powers to call for a plan of the licensed premises and to require structural alterations) shall apply as they apply in relation to a renewal.

(2) The proviso to subsection (1) of section eleven of the Licensing Act, 1953, shall cease to have effect, but where the holder of a justices' licence fails to apply for its renewal at the general annual licensing meeting at which it is due for renewal, and the licence expires in consequence of his failure, an application by him for a similar licence for the same premises shall be treated as an application for renewal, and the grant of the licence applied for shall be treated as a renewal of the expired licence, if the application is made not later than the next general annual licensing meeting and the licensing justices are satisfied that he had reasonable cause for his failure.

(3) In subsections (3) and (4) of that section, the reference to the holder of a justices' licence shall include the last holder of an expired licence, and for the reference in subsection (3) to the general annual licensing meeting there shall be substituted a reference to the licensing sessions.

9.—(1) Any removal may be granted to a person other than the holder of the licence removed, and the application for the removal and, in the case of a temporary premises removal, the application for the certificate of the licensing planning committee shall be made, as in the case of an application for an ordinary removal, by the person wishing to hold the licence after removal.

(2) The provisions of the Licensing Act, 1953, with respect to special removals shall apply only in the case of an old on-licence, and (subject to the restrictions on removals imposed by Parts II and III of that Act) in relation to the special removal of an old on-licence subsection (4) of section eleven and sections fourteen, fifteen and seventeen of that Act shall apply as they would apply in the case of a renewal, except that—

- (a) any reference to the licensed premises being structurally deficient or structurally unsuitable as a ground for refusing the grant shall apply to the premises to be licensed; and
- (b) where the occasion for the special removal is the pulling down of the licensed premises or those premises having been rendered unfit by fire, tempest or other calamity, any compensation for the refusal of the grant shall be determined as if the premises were in the same condition as at the last renewal or transfer of the licence.

10. The provisions of section eighteen of the Licensing Act, 1953, as to the charges payable in respect of the renewal of old

**4TH SCH.** on-licences shall have effect also in respect of a transfer or removal of such a licence whereby the duration of the licence is extended (the charge in respect of a removal to a different area being payable in that area); and references to renewal in sections forty-nine and fifty of that Act (which contain supplementary provisions as to the renewal of old on-licences) shall include transfer and removal.

11. In subsection (5) of section forty-eight of the Licensing Act, 1953 (which contains a saving for acts done by a justice as a member of a licensing committee or confirming authority while disqualified for membership), for the reference to a confirming authority there shall be substituted a reference to a compensation authority.

Section 26.

## FIFTH SCHEDULE

### PROVISIONS AS TO CLUB RULES

#### *Management of Club*

1. The affairs of the club, in matters not reserved for the club in general meeting or otherwise for the decision of the general body of members, must, under the rules, be managed by one or more elective committees; and one committee must be a general committee, charged with the general management of those affairs in matters not assigned to special committees.

#### *General meetings*

2.—(1) There must, under the rules, be a general meeting of the club at least once in every year, and fifteen months must not elapse without a general meeting.

(2) The general committee must be capable of summoning a general meeting at any time on reasonable notice.

(3) Any members entitled to attend and vote at a general meeting must be capable of summoning one or requiring one to be summoned at any time on reasonable notice, if a specified number of them join to do so; and the number required must not be more than thirty nor more than one fifth of the total number of the members so entitled.

(4) At a general meeting the voting must be confined to members, and all members entitled to use the club premises must be entitled to vote, and must have equal voting rights:

Provided that—

(a) the rules may exclude from voting, either generally or on particular matters, members below a specified age (not greater than twenty-one), women if the club is primarily a men's club, and men if the club is primarily a women's club; and



- (b) if the club is primarily a club for persons qualified by service or past service, or by any particular service or past service, in Her Majesty's forces, the rules may exclude persons not qualified from voting, either generally or on particular matters; and
- (c) if the rules make special provision for family membership or family subscriptions or any similar provision, the rules may exclude from voting, either generally or on particular matters, all or any of the persons taking the benefit of that provision as being members of a person's family, other than that person.

#### *Membership*

3.—(1) Ordinary members must, under the rules, be elected either by the club in general meeting, or by an elective committee, or by an elective committee with other members of the club added to it for the purpose; and the name and address of any person proposed for election must for not less than two days before the election be prominently displayed in the club premises or principal club premises in a part frequented by the members.

(2) The rules must not make any such provision for the admission of persons to membership otherwise than as ordinary members (or in accordance with the rules required for ordinary members by sub-paragraph (1) above) as is likely to result in the number of members so admitted being significant in proportion to the total membership.

#### *Meaning of "elective committee"*

4.—(1) For the purposes of this Schedule and of section twenty-six of this Act "elective committee" means, subject to the following provisions of this paragraph, a committee consisting of members of the club, who are elected to the committee by the club in accordance with sub-paragraph (2) below for a term of not less than one year nor more than five years; and sub-paragraph (4) of paragraph 2 above shall apply to voting at the election as it applies to voting at general meetings.

(2) Elections to the committee must be held annually, and if all the elected members do not go out of office in every year, there must be fixed rules for determining those that are to; and all members of the club entitled to vote at the election and of not less than two years' standing must be equally capable of being elected (subject only to any provision made for nomination by members of the club and to any provision prohibiting or restricting re-election) and, if nomination is required, must have equal rights to nominate persons for election.

(3) Except in the case of a committee with less than four members or of a committee concerned with the purchase for the club or with the supply by the club of intoxicating liquor, a committee of which not less than two-thirds of the members are members of the club elected to the committee in accordance with sub-paragraphs (1) and (2) above shall be treated as an elective committee.

(4) A sub-committee of an elective committee shall also be treated as an elective committee if its members are appointed by the committee and not less than two-thirds of them (or, in the case of a

**5TH SCH.**

sub-committee having less than four members or concerned with the purchase for the club or with the supply by the club of intoxicating liquor, all of them) are members of the committee elected to the committee in accordance with sub-paragraphs (1) and (2) above who go out of office in the sub-committee on ceasing to be members of the committee.

(5) For the purposes of this paragraph a person who on a casual vacancy is appointed to fill the place of a member of an elective committee for the remainder of his term and no longer shall, however appointed, be treated as elected in accordance with sub-paragraphs (1) and (2) above if the person whose place he fills was so elected or is to be treated as having been so elected.

Sections 29  
and 36.

**SIXTH SCHEDULE****REQUIREMENTS TO BE COMPLIED WITH BY CLUB'S APPLICATION FOR REGISTRATION CERTIFICATE**

1. The application shall specify the name, objects and address of the club, and shall state that there is kept at that address a list of the names and addresses of the members.

2. The application shall state, in terms of subsections (5), (6) and (7) of section twenty-six of this Act, that the club is qualified under those subsections to receive a registration certificate for the premises, or will be so qualified if, as regards any provision of the rules specified in the application, the court sees fit to give a direction under subsection (14) of that section.

3. The application shall set out, or shall incorporate a document annexed which sets out, the names and addresses of the members of any committee having the general management of the affairs of the club, and those of the members of any other committee concerned with the purchase for the club or with the supply by the club of intoxicating liquor, and those of other officers of the club.

4.—(1) The application shall state, or shall incorporate a document annexed which states, the rules of the club or, in the case of an application for renewal, the changes in the rules made since the last application for the grant or renewal of the certificate.

(2) If, in the case of an application for renewal, there has been no such change as aforesaid, the application shall so state.

5. The application shall—

- (a) identify the premises for which the grant or renewal of the registration certificate is sought ; and
- (b) state that those premises are or are to be occupied by and habitually used for the purposes of the club, the times at which they are or are to be open to members, and the hours (if any) fixed by or under the rules of the club as the permitted hours there ; and
- (c) state the interest held by or in trust for the club in those premises and, if it is a leasehold interest or if the club has no interest, the name and address of any person to whom payment is or is to be made of rent under the lease or otherwise for the use of the premises.

6.—(1) The application shall give, or shall incorporate a document annexed which gives,—

- (a) particulars of any property not comprised in paragraph 5 above which is or is to be used for the purposes of the club and not held by or in trust for the club absolutely, including the name and address of any person to whom payment is or is to be made for the use of that property ;
- (b) particulars of any liability of the club in respect of the principal or interest of moneys borrowed by the club or charged on property held by or in trust for the club, including the name and address of the person to whom payment is or is to be made on account of that principal or interest ;
- (c) particulars of any liability of the club or of a trustee for the club in respect of which any person has given any guarantee or provided any security, together with particulars of the guarantee or security given or provided, including the name and address of the person giving or providing it.

(2) An application for renewal, or document annexed to it, may give the particulars required by this paragraph by reference to the changes (if any) since the last application by the club for the issue or renewal of the registration certificate.

(3) If there is no property or liability of which particulars are required by any paragraph of sub-paragraph (1) above, the application shall so state.

(4) In this paragraph, “liability” includes a future or contingent liability.

7.—(1) The application shall give, or shall incorporate a document annexed which gives, particulars of any premises not comprised in paragraph 5 above which have within the preceding twelve months been occupied and habitually used for the purposes of the club, and shall state the interest then held by or in trust for the club in those premises and, if it was a leasehold interest or if the club had no interest, the name and address of any person to whom payment was made of rent under the lease or otherwise for the use of the premises.

(2) If there are no premises of which particulars are required by this paragraph, the application shall so state.

8. Where the interest held by or in trust for the club in any land of which particulars are required by paragraph 5, 6 or 7 above is or was a leasehold interest, and the rent under the lease is not or was not paid by the club or the trustees for the club, the application shall state the name and address of the person by whom it is or was paid.

## SEVENTH SCHEDULE

Sections 29  
and 33.

### PROCEDURE FOR REGISTRATION OF CLUBS, AND RELATED MATTERS

1.—(1) Subject to sub-paragraphs (2) and (3) below, where Part III of this Act provides for an application to be made with respect to any premises to a magistrates' court, the application shall be made to a magistrates' court acting for the petty sessions area in which the premises are, and section ninety-eight of the Magistrates'

**7TH SCH.**

Courts Act, 1952 (which provides among other things for complaints to a magistrates' court to be heard in open court by not less than two justices sitting at a petty sessional court house), shall apply to the hearing of an application by a club for the issue, renewal or variation of a registration certificate, as it applies to the hearing of a complaint.

(2) In relation to premises in the metropolitan stipendiary court area the metropolitan stipendiary court division shall be deemed for the purposes of Part III of this Act to be the petty sessions area, and the clerk to the metropolitan stipendiary court to be the clerk to the justices.

(3) In relation to club premises situated in the city of Oxford and occupied by a club mainly composed of past or present members of the University of Oxford, the magistrates' court for the purposes of Part III of this Act shall be the court of the Chancellor of the university sitting and acting under the Oxford University (Justices) Act, 1886, and the clerk to the justices shall be the registrar of that court, but subsection (4) of section twenty-seven of this Act shall not apply.

2.—(1) An application by a club for the issue, renewal or variation of a registration certificate shall be made by lodging the application, together with the required number of additional copies, with the clerk to the justices.

(2) The court may, on such conditions as the court thinks fit, allow such an application to be amended; and the amended application shall be made by lodging with the clerk to the justices the original application or the relevant parts of it altered so as to show the amendments, together with the required number of additional copies.

(3) A registration certificate shall be surrendered by lodging with the clerk to the justices a notice of surrender, together with the certificate and the required number of additional copies of the notice.

(4) Any such application or amended application and any such notice shall be signed by the chairman or by the secretary of the club; but in the absence of objection the court shall not require proof that an application or amended application purporting to be so signed is duly signed.

(5) On receipt of any such application or amended application or of any such notice the clerk to the justices shall forthwith send a copy each to any chief officer of police concerned and to the clerk of any local authority concerned; and the number of additional copies required to be lodged with the clerk is the number necessary to provide the copies the clerk needs for this purpose.

(6) A club applying for the issue of a registration certificate for any premises, or for the renewal of a registration certificate in respect of different, additional or enlarged premises, shall give public notice of the application (identifying those premises and giving the name and address of the club) either—

(a) by displaying the notice on or near the premises, in a place where it can conveniently be read by the public,

for the seven days beginning with the date of the application ; or 7TH SCH.

- (b) by advertisement on one at least of those days in a newspaper circulating in the place where the premises are situated.

3.—(1) An objection to an application for the issue or renewal of a registration certificate shall be made by lodging with the clerk to the justices two copies in writing of the objection not later than twenty-eight days after the making of the application or, if the application is amended, after the making of the amended application:

Provided that, if a magistrates' court extends the time allowed under section thirty-one of this Act to the chief officer of police, fire authority or local authority for inspecting premises to which the application relates, that court shall also extend the time within which the chief officer or authority may make objections to the application.

(2) On receipt of an objection to an application for the issue or renewal of a registration certificate, the clerk to the justices shall forthwith send a copy to the person signing the application at any address furnished by him for communications relating to the application or, in default of such an address, at the address given in the application as that of the club.

(3) Sub-paragraphs (1) and (2) above shall apply in relation to any notice of intention, on an application for the issue, renewal or variation of a registration certificate, to make representations as to conditions relating to the sale of intoxicating liquor as they apply to objections to an application for the issue or renewal of a registration certificate (with the substitution of references to giving the notice for references to making the objection).

(4) Where any such objection is made or any such notice is given, the magistrates' court may make such order as it thinks just and reasonable for the payment of costs to the club by the person making the objection or giving the notice, or by the club to that person ; and for purposes of enforcement the order shall be treated as an order for the payment of a sum enforceable as a civil debt.

(5) Where a club applies for a renewal of a registration certificate and a magistrates' court under the proviso to sub-paragraph (1) above extends the time for any person to make objections to the application, the court may order that the certificate to be renewed shall not continue in force by virtue of subsection (6) of section twenty-nine of this Act beyond a date specified in the order.

4.—(1) Subject to sub-paragraph (2) below, an objection to an application for the issue or renewal of a registration certificate shall specify the ground of objection with such particulars as are sufficient to indicate the matters relied on to make it out.

(2) Where objection is made to an application for the issue or renewal of a registration certificate on the ground that the application does not give the information required by this Act, or the information is incomplete or inaccurate, or the application is otherwise not in conformity with this Act, it shall be sufficient for the objection to state the ground as a matter of suspicion, and to indicate the reasons for the suspicion.

## 7TH SCH.

(3) Where, on an objection to an application for the issue or renewal of a registration certificate, there appears to the court to be good reason to suspect that the application does not give the information required by this Act, or the information is incomplete or inaccurate, or the application is otherwise not in conformity with this Act, it shall be for the applicant to satisfy the court that the ground of objection cannot be made out, unless the applicant desires and is permitted to amend the application so as to remove the ground of objection.

5.—(1) A magistrates' court may deal with an application by a club for the issue, variation or renewal of a registration certificate without hearing the club, but—

(a) before refusing such an application, or renewing a registration certificate for a shorter period than is requested in the application, shall give the club an opportunity to be heard; and

(b) before renewing a registration certificate for a longer period than one year, may invite any chief officer of police or local authority concerned to make representations;

and in relation to any such application subsections (1) and (3) of section seventy-seven of the Magistrates' Courts Act, 1952 (which provide for compelling the attendance of witnesses), shall apply as they apply in relation to a complaint.

(2) On any application or complaint made to a magistrates' court by or against a club under Part III of this Act, and on any appeal by a club under section thirty of this Act, the club if not represented by counsel or a solicitor shall be heard by the chairman or secretary, by any member of the committee having the general management of the affairs of the club or by any other officer of the club duly authorised.

(3) A summons issued on a complaint made against a club for the cancellation or variation of a registration certificate shall be served on the chairman or secretary of the club or the person who signed the last application for the issue or renewal of the certificate, and that service shall be treated as service on the club; and such a summons shall, in addition to being served on the club, be served on such persons, if any, as the justices issuing the summons may direct.

(4) Where it appears to a magistrates' court having jurisdiction to deal with any such complaint as is mentioned in sub-paragraph (3) above that the summons cannot be served on the club in accordance with that sub-paragraph, or not without undue difficulty or delay, the court may order that service on the club may be effected by serving the summons on a person named in the order, being a person who appears to the court to have, or to have had, an interest in the club or to be, or to have been, an officer of the club.

(5) A complaint may be made against a club for the cancellation of a registration certificate (on the ground that the club has not twenty-five members), notwithstanding that the complainant's case is that the club does not exist.

6. This Schedule, in so far as it relates to matters about which there is power to make rules under section fifteen of the Justices of the Peace Act, 1949, shall have effect subject to any rules so made after the date this Act is passed.

## EIGHTH SCHEDULE

Sections 36  
and 37.

## TRANSITIONAL AND CONSEQUENTIAL PROVISIONS ABOUT CLUBS

*Transitional provisions for existing clubs*

## 1. In this Schedule—

“ the appointed day ” means the day on which section twenty-five of this Act comes into force ;

“ the 1953 Act ” means the Licensing Act, 1953 ;

“ the transitional period ” means, as respects any licensing district, the period which begins with the appointed day and runs to the date when the next licensing sessions begins and to the end of the month beginning with that date or, if a licensing sessions begins in the first month of the period, then to the date when the first licensing sessions begins after the end of that month and to the end of the month beginning with that date.

2.—(1) Subject to the provisions of this paragraph, where on the appointed day a club is registered in respect of any premises under the 1953 Act, then during the transitional period Part IX of that Act shall continue to apply to it so far as relates to those premises (and references in any other enactment to a club so registered shall continue to apply accordingly), but section twenty-five of this Act shall apply as if it were registered in respect of those premises under this Act.

(2) Sub-paragraph (1) above shall not apply to a club as regards any premises after it becomes registered in respect of them under this Act or after a justices' on-licence comes into force in respect of them ; but if at the end of the transitional period a club remains registered under the 1953 Act in respect of any premises, and application has been made for the issue of a registration certificate to the club for the premises, or for the grant of a justices' on-licence for the premises, and has not been disposed of, then as regards those premises sub-paragraph (1) above shall continue to apply to the club until it becomes registered in respect of the premises under this Act in pursuance of the application, or a licence granted in pursuance of the application comes into force, or if the application is not granted, until twenty-one days have elapsed after it is refused, withdrawn or abandoned.

(3) Where during the transitional period a club remaining registered under the 1953 Act in respect of any premises applies for the issue of a registration certificate for those premises,—

(a) public notice shall not be required of the application ;

(b) the time limited by this Act for making objections to the application, or for making representations on the application as to conditions relating to the sale of intoxicating liquor, or for inspecting the premises under section

## 8TH SCH.

thirty-one of this Act, shall extend until two months after the end of the transitional period.

(4) Where during the transitional period a club remaining registered under the 1953 Act in respect of any premises applies for the issue of a registration certificate for those premises, section thirty-one of this Act shall not apply so as to authorise an inspection of the premises by a constable, if the club had for the three years preceding the appointed day been registered under the 1953 Act in respect of the premises.

(5) Where during the transitional period a club remaining registered under the 1953 Act in respect of any premises applies for the issue of a registration certificate for those premises, and the club had for the twenty-five years preceding the appointed day been registered under the 1953 Act or the corresponding enactments previously in force (whether or not in respect of the same premises), then subsection (9) of section twenty-six of this Act shall apply as if the club's application were for the renewal and not for the issue of a registration certificate for those premises and subsection (3) of that section shall apply as if the certificate had been previously renewed.

(6) Where during the transitional period a club remaining registered under the 1953 Act in respect of any premises applies for the issue of a registration certificate for those premises, and the application is refused, the court refusing the application may, on such conditions as it thinks just, order that as regards those premises sub-paragraph (1) above shall continue to apply to the club pending the determination of an appeal against the refusal, or pending the consideration of the question of bringing such an appeal.

3.—(1) Where a club was at the beginning of November nineteen hundred and sixty registered under the 1953 Act in respect of any premises, and desires that the supply of intoxicating liquor to members should be continued there under the authority of a justices' on-licence, then in relation to any application for the grant of the licence (whether to the club or to another) which is made before the end of the transitional period and while the club remains so registered, the following provisions shall have effect, that is to say—

(a) the following provisions of the 1953 Act shall apply as if the application were an application for renewal by the holder of the licence, that is to say—

(i) subsections (3) and (5) of section eleven (which relate to notice of objections and to evidence in connection with renewals); and

(ii) section twelve (which allows licensing justices on a renewal to require structural alterations to the premises), except the requirement in subsection (2) to serve notice of any order on the registered owner;



- (b) the licensing justices shall (notwithstanding any restriction in the 1953 Act on the grant of a new justices' licence) have the same discretion with regard to the grant or refusal of the licence, and shall exercise it on the same principles, as in the case of a renewal, but without prejudice to their power to attach conditions to the grant ;
- (c) there shall be no appeal to quarter sessions against the grant of the licence.

(2) Where during the transitional period a club remaining registered under the 1953 Act in respect of any premises applies for the issue of a registration certificate for those premises, and the application is refused, then—

- (a) sub-paragraph (1) above shall apply in relation to an application for the grant of a licence for those premises made after the end of the transitional period, but at the first licensing sessions beginning not less than one month after the date of the refusal, as it applies to an application made before the end of the transitional period ; and
- (b) if the required notice of the application is given to the clerk to the licensing justices while the club remains registered under the 1953 Act, sub-paragraph (1) of paragraph 2 above shall as regards those premises continue to apply to the club until a justices' on-licence comes into force in respect of the premises or until the conclusion of those sessions without the grant of such a licence (or, if the application has been made but not disposed of, the refusal, withdrawal or abandonment of the application).

(3) Where on an application made in accordance with sub-paragraph (1) above a justices' on-licence is granted for premises in the Carlisle district, and till then the premises have at all times since the coming into operation of state management in the district been premises of a registered club, proviso (a) to subsection (1) of section seventy-seven of the 1953 Act (which, as amended by this Act, excepts from the control of the Secretary of State under that subsection premises which have been licensed premises at all such times and, as originally enacted, also excepted premises which have been the premises of a registered club at all such times), shall thereafter apply to the premises as if at all such times before the coming into force of the licence the premises had been licensed premises.

(4) This paragraph shall come into force on the date this Act is passed.

4.—(1) Subject to the provisions of this paragraph, where in the case of a club established before the date this Act is passed there is no power, except with the agreement of all the members, to amend the rules of the club with respect to any matter mentioned in sub-paragraph (3) below, a resolution passed at a general meeting of

8TH SCH. the club by a majority of not less than two-thirds of the votes cast and (if the members have unequal voting rights) not less than two-thirds of the members voting shall be as effective to amend the rules with respect to that matter as if unanimously agreed to by all the members.

(2) A resolution shall not have effect under this paragraph unless—

- (a) notice of the intention to propose a resolution for the purpose under this paragraph was given to all members entitled to receive notice of the meeting, and the length of notice given was not less than twenty-one days nor less than that required for summoning the meeting ; and
- (b) the amendments are designed to adapt the rules to the provisions of this Act in a manner and for a purpose specified in the resolution (whether by facilitating an application for a registration certificate or justices' on-licence for any club premises, or by altering or facilitating the alteration of the permitted hours in any club premises, or otherwise).

(3) The matters with respect to which the rules of a club may be amended under this paragraph are the sale or supply of intoxicating liquor in club premises (including the permitted hours), the purchase of intoxicating liquor for the club, the admission of persons to membership of the club or to any of the privileges of membership, the constitution of any committee entrusted with the management of the whole or any part of the affairs of the club, general meetings of the club, and any provision made by the rules as to the application otherwise than for the benefit of the club as a whole of any money or property of the club or gain arising from the carrying on of the club.

(4) This paragraph shall come into force on the date this Act is passed.

#### *Application and adaptation of existing enactments*

5.—(1) Subject to the provisions of this Schedule, in any enactment not repealed by this Act references to a club registered under the 1953 Act or any corresponding enactment previously in force, and to the register under that Act or any such enactment, shall apply to a club registered and to the register under this Act, and references to premises of a club required to be registered under the 1953 Act or any such enactment shall be construed in relation to the period after the appointed day as referring to club premises on which intoxicating liquor is supplied by or on behalf of the club to members otherwise than under the authority of a justices' licence.

(2) An order disqualifying any premises under subsection (4) of section one hundred and forty-four of the 1953 Act for use for the purposes of a club registered under that Act shall have effect in relation to the use of the premises for the purposes of a club registered under this Act, and may be varied under section twenty-seven of this

Act, in like manner as a corresponding order under section twenty-seven.

8TH SCH.

6.—(1) In section four of the Finance Act, 1959 (which requires registered clubs to take out an excise licence for premises habitually used for the purposes of the club), the references to premises habitually used for the purposes of the club shall not be taken as extending to premises other than those in respect of which the club is registered.

(2) In relation to clubs registered under this Act—

(a) proviso (a) to subsection (1) of that section shall not apply ;

(b) subsection (3) of that section shall have effect as if the reference to the club being struck off the register of clubs were a reference to the club ceasing to hold a registration certificate for the premises ; and

(c) subsection (5) of that section shall have effect as if the references to the club being struck off the register were references to its ceasing to hold a registration certificate for the premises on a cancellation of or refusal to renew its certificate, and as if the reference to the club ceasing to be required to be registered were a reference to the club ceasing to hold a registration certificate for the premises otherwise than on a cancellation or refusal to renew.

(3) On the 1953 Act ceasing, by virtue of this Act, to apply to a club otherwise than on its becoming registered under this Act in respect of the premises, any excise licence held by the club for the premises shall become void, and subsection (5) of the said section four shall apply as, but for this Act, it would have applied on the club ceasing to be required to be registered ; but where the 1953 Act ceases to apply on the club becoming registered under this Act, that shall not affect the excise licence.

(4) For the purpose of proviso (b) to subsection (1) of the said section four (which relates to the taking out of a licence on a club's first registration) and for the purpose of subsection (7) (which requires the person keeping the register of clubs to notify the Commissioners of Customs and Excise of changes in the register) any register of clubs under this Act shall be treated as a continuation of the corresponding register under the 1953 Act.

## Section 38.

## NINTH SCHEDULE

## REPEALS

## PART I

## REPEALS OF SPENT OR OBSOLETE ENACTMENTS

| Session and Chapter           | Short Title                                                  | Extent of Repeal                                                                                                                                                                                                                                                                               |
|-------------------------------|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 24 Geo. 2.<br>c. 40.          | The Sale of Spirits Act, 1750.                               | In section twelve, the words from "and one moiety" to "informers".                                                                                                                                                                                                                             |
| 5 & 6 Vict.<br>c. 44.         | The Licensing Act, 1842                                      | Section five and the preamble.                                                                                                                                                                                                                                                                 |
| 23 & 24 Vict.<br>c. 27.       | The Refreshment Houses Act, 1860.                            | Section one.<br>In section six, the words from "and every person", where first occurring, to "a refreshment house", where last occurring.<br>Sections thirty and thirty-three to thirty-eight.<br>In section forty-one, the words from "for the sale" to "premises, or".<br>Section forty-two. |
| 24 & 25 Vict.<br>c. 91.       | The Revenue (No. 2) Act, 1861.                               | Section nine, from "And whenever" onwards.                                                                                                                                                                                                                                                     |
| 25 & 26 Vict.<br>c. 38.       | The Sale of Spirits Act, 1862.                               | The whole Act.                                                                                                                                                                                                                                                                                 |
| 28 & 29 Vict.<br>c. 77.       | The Public House Closing Act, 1865.                          | The whole Act so far as unrepealed.                                                                                                                                                                                                                                                            |
| 35 & 36 Vict.<br>c. 94.       | The Licensing Act, 1872.                                     | Sections twenty-seven, twenty-eight and forty-six.                                                                                                                                                                                                                                             |
| 39 & 40 Vict.<br>c. 20.       | The Statute Law Revision (Substituted Enactments) Act, 1876. | Section five.                                                                                                                                                                                                                                                                                  |
| 10 Edw. 7. c. 8               | The Finance (1909-10) Act, 1910.                             | Section forty-six.                                                                                                                                                                                                                                                                             |
| 11 & 12 Geo. 6.<br>c. 58.     | The Criminal Justice Act, 1948.                              | In the Ninth Schedule, the entry relating to the Refreshment Houses Act, 1860.                                                                                                                                                                                                                 |
| 12, 13 & 14<br>Geo. 6. c. 47. | The Finance Act, 1949 ...                                    | In section fifteen, subsection (4) from the first "and" onwards.                                                                                                                                                                                                                               |
| 1 & 2 Eliz. 2.<br>c. 46.      | The Licensing Act, 1953.                                     | Section thirteen (but without prejudice to subsection (3) of section fourteen).<br>In section one hundred and sixty, subsections (4) to (6).                                                                                                                                                   |
| 2 & 3 Eliz. 2.<br>c. 11.      | The Licensing (Seamen's Canteens) Act, 1954.                 | In section eleven, subsection (5).                                                                                                                                                                                                                                                             |
| 7 & 8 Eliz. 2.<br>c. 58.      | The Finance Act, 1959 ...                                    | In section two, subsection (1) from "and no" onwards.<br>In section three, subsection (1).<br>In section four, subsection (10).<br>Section five.                                                                                                                                               |

## PART II

## 9TH SCH.

## GENERAL REPEALS

| Session and Chapter                                  | Short Title                       | Extent of Repeal                                                                                                                                                            |
|------------------------------------------------------|-----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10 & 11 Geo. 6. c. 22.<br>12, 13 & 14 Geo. 6. c. 59. | The Civic Restaurants Act, 1947.  | In section one, proviso (iii) to subsection (1).                                                                                                                            |
|                                                      | The Licensing Act, 1949.          | Sections twenty-six and twenty-seven.                                                                                                                                       |
|                                                      |                                   | In section forty-two, in subsection (1), the definitions of "police area" and "chief officer of police", subsection (2) and subsection (4).                                 |
| 15 & 16 Geo. 6. and 1 Eliz. 2. c. 44.                | The Customs and Excise Act, 1952. | In section one hundred and fifty-one, paragraph (a) of the proviso to subsection (1).                                                                                       |
|                                                      |                                   | In subsection (1) of section three hundred and seven, the definition of "registered club".                                                                                  |
| 1 & 2 Eliz. 2. c. 46.                                | The Licensing Act, 1953           | Section three.                                                                                                                                                              |
|                                                      |                                   | In section four, the words "at their general annual licensing meeting" and the proviso.                                                                                     |
|                                                      |                                   | Section five.                                                                                                                                                               |
|                                                      |                                   | In section six, subsection (4), subsection (9) and, except as respects licences granted before the coming into force of this repeal, subsections (5), (7) and (8).          |
|                                                      |                                   | Sections eight and nine.                                                                                                                                                    |
|                                                      |                                   | In section ten, in subsection (1) the words "under this Act", and in subsection (2), the words "as confirmed by the confirming authority" and the words from "and" onwards. |
|                                                      |                                   | In section eleven, the proviso to subsection (1).                                                                                                                           |
|                                                      |                                   | In section eighteen, in subsection (1), the words "confirming and", wherever occurring.                                                                                     |
|                                                      |                                   | Section twenty.                                                                                                                                                             |
|                                                      |                                   | In section twenty-one, subsections (2) and (3), in paragraph (f) of subsection (4), the words from "until" to "those sessions", and subsection (5).                         |
|                                                      |                                   | Section twenty-two.                                                                                                                                                         |

9TH SCH.

| Session and Chapter                   | Short Title                               | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|---------------------------------------|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 & 2 Eliz. 2.<br>c. 46— <i>cont.</i> | The Licensing Act, 1951<br>— <i>cont.</i> | <p>In section twenty-three, in subsection (1), the word “any” and the words “that may be sold under an excise licence authorised by the justices’ licence”, in subsection (3), paragraph (c) except as respects licences granted before the coming into force of this repeal, and subsections (4) to (7) and (11).</p> <p>In section twenty-four, subsection (4).</p> <p>In section twenty-five, subsections (3) and (6).</p> <p>Sections twenty-six, twenty-nine, thirty-two and thirty-three.</p> <p>In section thirty-five, subsection (3) from “and” onwards.</p> <p>In section forty-one, in subsection (2), the words from “on payment” to “Act”.</p> <p>In section forty-four, in subsection (1), the words “under section fifty-one of this Act”.</p> <p>Section forty-five, except as respects the operation of licences granted before the coming into force of this repeal.</p> <p>In section forty-eight, in subsection (2), the words “confirming or”, and in subsection (7) the words “or confirmed” and the words “or confirm”.</p> <p>In section forty-nine, in paragraph (g), the words “or confirming authorities”.</p> <p>In section fifty, subsection (1).</p> <p>Section fifty-one.</p> <p>In section fifty-two, in subsection (2), the words “confirming and” in both places, and subsection (3).</p> <p>In section fifty-nine, subsection (2) and, except as respects the regrant of licences granted before the coming into force of this repeal, subsection (3).</p> <p>In section sixty-one, in subsection (4), the words “section thirty-two of this Act shall not, in relation to the licence in question, apply to”, the word “nor”, the words “those premises” and the words “not being”.</p> |

| Session and Chapter                   | Short Title                               | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------|-------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 & 2 Eliz. 2.<br>c. 46— <i>cont.</i> | The Licensing Act, 1953<br>— <i>cont.</i> | <p>In section sixty-two, in paragraph (a), the words “and the fees to be paid,”.</p> <p>In section seventy-one, subsections (3), (6) and (9).</p> <p>In section seventy-four, in subsection (1), the words “to (3) and (9)” in paragraph (c).</p> <p>In section seventy-five, in subsection (1), the words “to (3) and (9)” in proviso (b).</p> <p>In section seventy-seven, in subsection (1), the words “or in the premises of any registered club”, the words “or premises of a registered club” and the words “or premises of a registered club, as the case may be”.</p> <p>In section eighty-three, subsections (4) to (6), and in subsection (7), the words “or subsection (5)” the words from “or, if” to “would have” and the words from “and nothing” onwards.</p> <p>In section eighty-four, subsection (4), from “or, if” onwards, except as respects licences granted before the coming into force of this repeal.</p> <p>In section ninety-one, subsection (1) and subsection (2) from “and, without” onwards.</p> <p>In section ninety-four, except as respects licences granted before the coming into force of this repeal, subsection (4) from “or, if” onwards and subsection (5).</p> <p>In section ninety-nine, subsection (1) and subsection (2) from “and, without” onwards.</p> <p>In section one hundred, paragraphs (c) and (d) of subsection (2), and subsection (3).</p> <p>Sections one hundred and one to one hundred and three.</p> <p>In section one hundred and four, subsections (2), (3), (4), (7) and (8).</p> <p>In section one hundred and five, in subsection (1), the words “at their general licensing meeting”.</p> |

9TH SCH.

## 9TH SCH.

| Session and Chapter                   | Short Title                               | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------------------|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 & 2 Eliz. 2.<br>c. 46— <i>cont.</i> | The Licensing Act, 1953<br>— <i>cont.</i> | <p>In section one hundred and six, subsection (1), from “licensed” onwards, except the words “premises, in addition to the other permitted hours, such hours as may be specified in the order”, and subsections (4), (6), (7) and (8).</p> <p>In section one hundred and seven, the word “licensed”, and the words from “permitted” where first occurring to “other” where last occurring, except the words “other permitted hours such”.</p> <p>In section one hundred and nine, subsection (3).</p> <p>In section one hundred and twelve, subsection (1).</p> <p>In section one hundred and thirteen, in subsection (1), the words from “in any part” to “Secretary of State”, and subsection (5).</p> <p>In section one hundred and fourteen, in subsection (1), the words from “situated” to “Secretary of State”.</p> <p>In section one hundred and fifteen, the words from “being premises” to “Secretary of State”.</p> <p>In section one hundred and seventeen, in subsection (2) paragraph (a) of the proviso, and subsections (3), (4), (5) and (8).</p> <p>In section one hundred and nineteen, paragraph (a) of subsection (1), and subsection (6).</p> <p>In section one hundred and twenty, subsection (2).</p> <p>Section one hundred and twenty-three, section one hundred and twenty-five and Part IX (but subject to the transitional provisions in the Eighth Schedule to this Act).</p> <p>In section one hundred and twenty-seven, in subsection (1), the word “justices”.</p> <p>Sections one hundred and twenty-eight and one hundred and twenty-nine.</p> |



| Session and Chapter                   | Short Title                                          | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 9TH SCH. |
|---------------------------------------|------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| 1 & 2 Eliz. 2.<br>c. 46— <i>cont.</i> | The Licensing Act, 1953<br>— <i>cont.</i>            | <p>In section one hundred and thirty-four, in subsection (1), the words “at their general annual licensing meeting or at a transfer sessions”.</p> <p>In section one hundred and forty-eight, subsection (3).</p> <p>In section one hundred and forty-nine, subsection (2).</p> <p>In section one hundred and fifty-seven, in subsection (1), the words from “or a room” to “premises”, and in subsection (2) the words “or in any such room as aforesaid”.</p> <p>In section one hundred and sixty-five, in subsection (1), the definitions of “new justices’ licence”, “old off-licence”, “registered club” and “unregistered club”, and subsection (5).</p> <p>In section one hundred and sixty-seven, the words “section five of the Licensing Act, 1842, or” and the words “twenty-seven or twenty-eight”.</p> <p>In the First Schedule, in Part II, the words “confirming and”, wherever occurring in paragraphs 1 to 10; in paragraph 1, in the proviso, the words from “to act” to “deemed”, paragraph 2 from “and for the” onwards, in paragraph 4 the words “as compensation authority”, and paragraph 10 from “and for the” onwards; paragraphs 11 to 17.</p> |          |
| 2 & 3 Eliz. 2.<br>c. 11.              | The Licensing (Seamen’s Canteens) Act, 1954.         | In section seven, the proviso to subsection (1), and subsections (2), (3), (4) and (6).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |          |
| 4 & 5 Eliz. 2.<br>c. 42.              | The Occasional Licences and Young Persons Act, 1956. | The whole Act.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |          |
| 7 & 8 Eliz. 2.<br>c. 57.              | The Street Offences Act, 1959.                       | Section three.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |          |
| 7 & 8 Eliz. 2.<br>c. 58.              | The Finance Act, 1959...                             | In section four, proviso (a) to subsection (1), except as respects clubs remaining registered under the Licensing Act, 1953.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |          |

Table of Statutes referred to in this Act

| Short Title                                                  | Session and Chapter                |
|--------------------------------------------------------------|------------------------------------|
| Disorderly Houses Act, 1751 ... ..                           | 25 Geo. 2. c. 36.                  |
| Sunday Observance Act, 1780 ... ..                           | 21 Geo. 3. c. 49.                  |
| Gaming Act, 1845 ... ..                                      | 8 & 9 Vict. c. 109.                |
| Refreshment Houses Act, 1860 ... ..                          | 23 & 24 Vict. c. 27.               |
| Prevention of Crimes Act, 1871 ... ..                        | 34 & 35 Vict. c. 112.              |
| Oxford University (Justices) Act, 1886 ... ..                | 49 & 50 Vict. c. 31.               |
| Interpretation Act, 1889 ... ..                              | 52 & 53 Vict. c. 63.               |
| Public Health Acts Amendment Act, 1890 ... ..                | 53 & 54 Vict. c. 59.               |
| Industrial and Provident Societies Act, 1893 ... ..          | 56 & 57 Vict. c. 39.               |
| Friendly Societies Act, 1896 ... ..                          | 59 & 60 Vict. c. 25.               |
| Deeds of Arrangement Act, 1914 ... ..                        | 4 & 5 Geo. 5. c. 47.               |
| Bankruptcy Act, 1914 ... ..                                  | 4 & 5 Geo. 5. c. 59.               |
| Home Counties (Music and Dancing) Licensing Act, 1926 ... .. | 16 & 17 Geo. 5. c. 31.             |
| Betting and Lotteries Act, 1934 ... ..                       | 24 & 25 Geo. 5. c. 58.             |
| Civic Restaurants Act, 1947 ... ..                           | 10 & 11 Geo. 6. c. 22.             |
| Fire Services Act, 1947 ... ..                               | 10 & 11 Geo. 6. c. 41.             |
| Licensing Act, 1949 ... ..                                   | 12, 13 & 14 Geo. 6. c. 59.         |
| 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.        |
| 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. |
| Licensing Act, 1953 ... ..                                   | 1 & 2 Eliz. 2. c. 46.              |
| Licensing (Seamen's Canteens) Act, 1954 ... ..               | 2 & 3 Eliz. 2. c. 11.              |
| Licensing (Airports) Act, 1956 ... ..                        | 4 & 5 Eliz. 2. c. 37.              |
| Occasional Licenses and Young Persons Act, 1956 ... ..       | 4 & 5 Eliz. 2. c. 42.              |
| Recreational Charities Act, 1958 ... ..                      | 6 & 7 Eliz. 2. c. 17.              |
| Highways Act, 1959 ... ..                                    | 7 & 8 Eliz. 2. c. 25.              |
| Street Offences Act, 1959 ... ..                             | 7 & 8 Eliz. 2. c. 57.              |
| Finance Act, 1959 ... ..                                     | 7 & 8 Eliz. 2. c. 58.              |
| Betting and Gaming Act, 1960 ... ..                          | 8 & 9 Eliz. 2. c. 60.              |

## CHAPTER 62

### ARRANGEMENT OF SECTIONS

#### Section

1. New powers of investment of trustees.
2. Restrictions on wider-range investment.
3. Relationship between Act and other powers of investment.
4. Interpretation of references to trust property and trust funds.
5. Certain valuations to be conclusive for purposes of division of trust fund.
6. Duty of trustees in choosing investments.
7. Application of ss. 1-6 to persons, other than trustees, having trustee investment powers.
8. Application of ss. 1-6 in special cases.
9. Supplementary provisions as to investments.
10. Powers of Scottish trustees supplementary to powers of investment.
11. Local Authority investment schemes.
12. Power to confer additional powers of investment.
13. Power to modify provisions as to division of trust fund.

## Section

14. Amendment of s. 27 of Trusts (Scotland) Act, 1921.
15. Saving for powers of court.
16. Minor and consequential amendments and repeals.
17. Short title, extent and construction.

## SCHEDULES:

- First Schedule—Manner of Investment.  
 Second Schedule—Modification of s. 2 in relation to property falling within s. 3 (3).  
 Third Schedule—Provisions supplementary to s. 3 (4).  
 Fourth Schedule—Minor and consequential amendments.  
 Fifth Schedule—Repeals.

**An Act to make fresh provision with respect to investment by trustees and persons having the investment powers of trustees, and by local authorities, and for purposes connected therewith. [3rd August, 1961]**

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

1.—(1) A trustee may invest any property in his hands, whether at the time in a state of investment or not, in any manner specified in Part I or II of the First Schedule to this Act or, subject to the next following section, in any manner specified in Part III of that Schedule, and may also from time to time vary any such investments. New powers of investment of trustees.

(2) The supplemental provisions contained in Part IV of that Schedule shall have effect for the interpretation and for restricting the operation of the said Parts I to III.

(3) No provision relating to the powers of the trustee contained in any instrument (not being an enactment or an instrument made under an enactment) made before the passing of this Act shall limit the powers conferred by this section, but those powers are exercisable only in so far as a contrary intention is not expressed in any Act or instrument made under an enactment, whenever passed or made, and so relating or in any other instrument so relating which is made after the passing of this Act.

For the purposes of this subsection any rule of the law of Scotland whereby a testamentary writing may be deemed to be made on a date other than that on which it was actually executed shall be disregarded.

(4) In this Act "narrower-range investment" means an investment falling within Part I or II of the First Schedule to this Act and "wider-range investment" means an investment falling within Part III of that Schedule.

**Restrictions on wider-range investment.**

**2.—(1)** A trustee shall not have power by virtue of the foregoing section to make or retain any wider-range investment unless the trust fund has been divided into two parts (hereinafter referred to as the narrower-range part and the wider-range part), the parts being, subject to the provisions of this Act, equal in value at the time of the division; and where such a division has been made no subsequent division of the same fund shall be made for the purposes of this section, and no property shall be transferred from one part of the fund to the other unless either—

- (a) the transfer is authorised or required by the following provisions of this Act, or
- (b) a compensating transfer is made at the same time.

In this section “compensating transfer”, in relation to any transferred property, means a transfer in the opposite direction of property of equal value.

(2) Property belonging to the narrower-range part of a trust fund shall not by virtue of the foregoing section be invested except in narrower-range investments, and any property invested in any other manner which is or becomes comprised in that part of the trust fund shall either be transferred to the wider-range part of the fund, with a compensating transfer, or be reinvested in narrower-range investments as soon as may be.

(3) Where any property accrues to a trust fund after the fund has been divided in pursuance of subsection (1) of this section, then—

- (a) if the property accrues to the trustee as owner or former owner of property comprised in either part of the fund, it shall be treated as belonging to that part of the fund;
- (b) in any other case, the trustee shall secure, by apportionment of the accruing property or the transfer of property from one part of the fund to the other, or both, that the value of each part of the fund is increased by the same amount.

Where a trustee acquires property in consideration of a money payment the acquisition of the property shall be treated for the purposes of this section as investment and not as the accrual of property to the trust fund, notwithstanding that the amount of the consideration is less than the value of the property acquired; and paragraph (a) of this subsection shall not include the case of a dividend or interest becoming part of a trust fund.

(4) Where in the exercise of any power or duty of a trustee property falls to be taken out of the trust fund, nothing in this section shall restrict his discretion as to the choice of property to be taken out.

3.—(1) The powers conferred by section one of this Act are in addition to and not in derogation from any power conferred otherwise than by this Act of investment or postponing conversion exercisable by a trustee (hereinafter referred to as a “special power”).

Relationship between Act and other powers of investment.

(2) Any special power (however expressed) to invest property in any investment for the time being authorised by law for the investment of trust property, being a power conferred on a trustee before the passing of this Act or conferred on him under any enactment passed before the passing of this Act, shall have effect as a power to invest property in like manner and subject to the like provisions as under the foregoing provisions of this Act.

(3) In relation to property, including wider-range but not including narrower-range investments,—

(a) which a trustee is authorised to hold apart from—

(i) the provisions of section one of this Act or any of the provisions of Part I of the Trustee Act, 1925, or any of the provisions of the Trusts (Scotland) Act, 1921, or

(ii) any such power to invest in authorised investments as is mentioned in the foregoing subsection, or

(b) which became part of a trust fund in consequence of the exercise by the trustee, as owner of property falling within this subsection, of any power conferred by subsection (3) or (4) of section ten of the Trustee Act, 1925, or paragraph (o) or (p) of subsection (1) of section four of the Trusts (Scotland) Act, 1921,

the foregoing section shall have effect subject to the modifications set out in the Second Schedule to this Act.

(4) The foregoing subsection shall not apply where the powers of the trustee to invest or postpone conversion have been conferred or varied—

(a) by an order of any court made within the period of ten years ending with the passing of this Act, or

(b) by any enactment passed, or instrument having effect under an enactment made, within that period, being an enactment or instrument relating specifically to the trusts in question; or

(c) by an enactment contained in a local Act of the present Session;

but the provisions of the Third Schedule to this Act shall have effect in a case falling within this subsection.

4.—(1) In this Act “property” includes real or personal property of any description, including money and things in action:

Interpretation of references to trust property and trust funds.

Provided that it does not include an interest in expectancy, but the falling into possession of such an interest, or the receipt of proceeds of the sale thereof, shall be treated for the purposes of this Act as an accrual of property to the trust fund.

(2) So much of the property in the hands of a trustee shall for the purposes of this Act constitute one trust fund as is held on trusts which (as respects the beneficiaries or their respective interests or the purposes of the trust or as respects the powers of the trustee) are not identical with those on which any other property in his hands is held.

(3) Where property is taken out of a trust fund by way of appropriation so as to form a separate fund, and at the time of the appropriation the trust fund had (as to the whole or a part thereof) been divided in pursuance of subsection (1) of section two of this Act, or that subsection as modified by the Second Schedule to this Act, then if the separate fund is so divided the narrower-range and wider-range parts of the separate fund may be constituted so as either to be equal, or to bear to each other the same proportion as the two corresponding parts of the fund out of which it was so appropriated (the values of those parts of those funds being ascertained as at the time of appropriation), or some intermediate proportion.

(4) In the application of this section to Scotland the following subsection shall be substituted for subsection (1) thereof :—

“(1) In this Act ‘property’ includes property of any description (whether heritable or moveable, corporeal or incorporeal) which is presently enjoyable, but does not include a future interest, whether vested or contingent.”

Certain valuations to be conclusive for purposes of division of trust fund.

5.—(1) If for the purposes of section two or four of this Act or the Second Schedule thereto a trustee obtains, from a person reasonably believed by the trustee to be qualified to make it, a valuation in writing of any property, the valuation shall be conclusive in determining whether the division of the trust fund in pursuance of subsection (1) of the said section two, or any transfer or apportionment of property under that section or the said Second Schedule, has been duly made.

(2) The foregoing subsection applies to any such valuation notwithstanding that it is made by a person in the course of his employment as an officer or servant.

Duty of trustees in choosing investments.

6.—(1) In the exercise of his powers of investment a trustee shall have regard—

- (a) to the need for diversification of investments of the trust, in so far as is appropriate to the circumstances of the trust ;
- (b) to the suitability to the trust of investments of the description of investment proposed and of the investment proposed as an investment of that description.

(2) Before exercising any power conferred by section one of this Act to invest in a manner specified in Part II or III of the First Schedule to this Act, or before investing in any such manner in the exercise of a power falling within subsection (2) of section three of this Act, a trustee shall obtain and consider proper advice on the question whether the investment is satisfactory having regard to the matters mentioned in paragraphs (a) and (b) of the foregoing subsection.

(3) A trustee retaining any investment made in the exercise of such a power and in such a manner as aforesaid shall determine at what intervals the circumstances, and in particular the nature of the investment, make it desirable to obtain such advice as aforesaid, and shall obtain and consider such advice accordingly.

(4) For the purposes of the two foregoing subsections, proper advice is the advice of a person who is reasonably believed by the trustee to be qualified by his ability in and practical experience of financial matters; and such advice may be given by a person notwithstanding that he gives it in the course of his employment as an officer or servant.

(5) A trustee shall not be treated as having complied with subsection (2) or (3) of this section unless the advice was given or has been subsequently confirmed in writing.

(6) Subsections (2) and (3) of this section shall not apply to one of two or more trustees where he is the person giving the advice required by this section to his co-trustee or co-trustees, and shall not apply where powers of a trustee are lawfully exercised by an officer or servant competent under subsection (4) of this section to give proper advice.

(7) Without prejudice to section eight of the Trustee Act, 1925, or section thirty of the Trusts (Scotland) Act, 1921 (which relate to valuation, and the proportion of the value to be lent, where a trustee lends on the security of property) the advice required by this section shall not include, in the case of a loan on the security of freehold or leasehold property in England and Wales or Northern Ireland or on heritable security in Scotland, advice on the suitability of the particular loan.

7.—(1) Where any persons, not being trustees, have a statutory power of making investments which is or includes power—

(a) to make the like investments as are authorised by section one of the Trustee Act, 1925, or section ten of the Trusts (Scotland) Act, 1921, or

(b) to make the like investments as trustees are for the time being by law authorised to make,

however the power is expressed, the foregoing provisions of this Act shall with the necessary modifications apply in relation to them as if they were trustees:

Application of ss. 1-6 to persons, other than trustees, having trustee investment powers.

Provided that property belonging to a Consolidated Loans Fund or any other fund applicable wholly or partly for the redemption of debt shall not by virtue of the foregoing provisions of this Act be invested or held invested in any manner specified in paragraph 6 of Part II of the First Schedule to this Act or in wider-range investments.

(2) Where, in the exercise of powers conferred by any enactment, an authority to which paragraph 9 of Part II of the First Schedule to this Act applies uses money belonging to any fund for a purpose for which the authority has power to borrow, the foregoing provisions of this Act, as applied by the foregoing subsection, shall apply as if there were comprised in the fund (in addition to the actual content thereof) property, being narrower-range investments, having a value equal to so much of the said money as for the time being has not been repaid to the fund, and accordingly any repayment of such money to the fund shall not be treated for the said purposes as the accrual of property to the fund :

Provided that nothing in this subsection shall be taken to require compliance with any of the provisions of section six of this Act in relation to the exercise of such powers as aforesaid.

(3) In this section "Consolidated Loans Fund" means a fund established under section fifty-five of the Local Government Act, 1958, and includes a loans fund established under section two hundred and seventy-five of the Local Government (Scotland) Act, 1947, and "statutory power" means a power conferred by an enactment passed before the passing of this Act or by any instrument made under any such enactment.

Application  
of ss. 1-6 in  
special cases.

8.—(1) In relation to persons to whom this section applies—

- (a) notwithstanding anything in subsection (3) of section one of this Act, no provision of any enactment passed, or instrument having effect under an enactment and made, before the passing of this Act shall limit the powers conferred by the said section one ;
- (b) subsection (1) of the foregoing section shall apply where the power of making investments therein mentioned is or includes a power to make some only of the investments mentioned in paragraph (a) or (b) of that subsection.

(2) This section applies to—

- (a) the persons for the time being authorised to invest funds of the Duchy of Lancaster ;
- (b) any persons specified in an order made by the Treasury by statutory instrument, being persons (whether trustees or not) whose power to make investments is conferred by or under any enactment contained in a local or private Act.



(3) An order of the Treasury made under the foregoing subsection may provide that the provisions of sections one to six of this Act (other than the provisions of subsection (3) of section one) shall, in their application to any persons specified therein, have effect subject to such exceptions and modifications as may be specified.

9.—(1) In subsection (3) of section ten of the Trustee Act, 1925, before paragraph (c) (which enables trustees to concur in any scheme or arrangement for the amalgamation of a company in which they hold securities with another company, with power to accept securities in the second company) there shall be inserted the following paragraph:—

Supplementary provisions as to investments.

“(bb) for the acquisition of the securities of the company, or of control thereof, by another company”.

(2) It is hereby declared that the power to subscribe for securities conferred by subsection (4) of the said section ten includes power to retain them for any period for which the trustee has power to retain the holding in respect of which the right to subscribe for the securities was offered, but subject to any conditions subject to which the trustee has that power.

10. Section four of the Trusts (Scotland) Act, 1921 (which empowers trustees in trusts the execution of which is governed by the law in force in Scotland to do certain acts, where such acts are not at variance with the terms or purposes of the trust) shall have effect as if, in subsection (1) thereof, after paragraph (n), there were added the following paragraphs:—

Powers of Scottish trustees supplementary to powers of investment.

“(o) to concur, in respect of any securities of a company (being securities comprised in the trust estate), in any scheme or arrangement—

- (i) for the reconstruction of the company,
- (ii) for the sale of all or any part of the property and undertaking of the company to another company,
- (iii) for the acquisition of the securities of the company, or of control thereof, by another company,
- (iv) for the amalgamation of the company with another company, or
- (v) for the release, modification, or variation of any rights, privileges or liabilities attached to the securities or any of them,

in like manner as if the trustees were entitled to such securities beneficially; to accept any securities of any denomination or description of the reconstructed or purchasing or new company in lieu of, or in exchange for, all or any of the first mentioned securities; and to retain any securities so accepted as aforesaid for any period for which the trustees could have properly retained the original securities;

(p) to exercise, to such extent as the trustees think fit, any conditional or preferential right to subscribe for any securities in a company (being a right offered to them in respect of any holding in the company), to apply capital money of the trust estate in payment of the consideration, and to retain any such securities for which they have subscribed for any period for which they have power to retain the holding in respect of which the right to subscribe for the securities was offered (but subject to any conditions subject to which they have that power); to renounce, to such extent as they think fit, any such right; or to assign, to such extent as they think fit and for the best consideration that can reasonably be obtained, the benefit of such right or the title thereto to any person, including any beneficiary under the trust”.

**Local  
Authority  
investment  
schemes.**

**11.—(1)** Without prejudice to powers conferred by or under any other enactment, any authority to which this section applies may invest property held by the authority in accordance with a scheme submitted to the Treasury by any association of local authorities or by the London County Council and approved by the Treasury as enabling investments to be made collectively without in substance extending the scope of powers of investment.

(2) A scheme under this section may apply to a specified authority or to a specified class of authorities, may make different provisions as respects different authorities or different classes of authorities or as respects different descriptions of property or property held for different purposes, and may impose restrictions on the extent to which the power conferred by the foregoing subsection shall be exercisable.

(3) In approving a scheme under this section, the Treasury may direct that the Prevention of Fraud (Investments) Act, 1958, or the Prevention of Fraud (Investments) Act (Northern Ireland), 1940, shall not apply to dealings undertaken or documents issued for the purposes of the scheme, or to such dealings or documents of such descriptions as may be specified in the direction.

(4) The authorities to which this section applies are—

- (a) in England and Wales, the council of a county, a county, metropolitan or other borough (including a borough which has been included in a rural district), an urban or rural district or a parish, the Common Council of the City of London and the Council of the Isles of Scilly;
- (b) in Scotland, a local authority within the meaning of the Local Government (Scotland) Act, 1947;
- (c) in any part of Great Britain, a joint board or joint committee constituted to discharge or advise on the discharge of the functions of any two or more of the autho-

rities mentioned in the foregoing paragraphs (including a joint committee established by a combination scheme under Part I of the Local Government Superannuation Act, 1937, or of the Local Government Superannuation (Scotland) Act, 1937 ;

- (d) in Northern Ireland, the council of a county, a county or other borough, or an urban or rural district, and the Northern Ireland Local Government Officers' Superannuation Committee established under the Local Government (Superannuation) Act (Northern Ireland), 1950.

12.—(1) Her Majesty may by Order in Council extend the powers of investment conferred by section one of this Act by adding to Part I, Part II or Part III of the First Schedule to this Act any manner of investment specified in the Order.

Power to confer additional powers of investment.

(2) Any Order under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

13.—(1) The Treasury may by order made by statutory instrument direct that, subject to subsection (3) of section four of this Act, any division of a trust fund made in pursuance of subsection (1) of section two of this Act during the continuance in force of the order shall be made so that the value of the wider-range part at the time of the division bears to the then value of the narrower-range part such proportion, greater than one but not greater than three to one, as may be prescribed by the order ; and in this Act "the prescribed proportion" means the proportion for the time being prescribed under this subsection.

Power to modify provisions as to division of trust fund.

(2) A fund which has been divided in pursuance of subsection (1) of section two of this Act before the coming into operation of an order under the foregoing subsection may notwithstanding anything in that subsection be again divided (once only) in pursuance of the said subsection (1) during the continuance in force of the order.

(3) If an order is made under subsection (1) of this section, then as from the coming into operation of the order—

(a) paragraph (b) of subsection (3) of section two of this Act and sub-paragraph (b) of paragraph 3 of the Second Schedule thereto shall have effect with the substitution, for the words from "each" to the end, of the words "the wider-range part of the fund is increased by an amount which bears the prescribed proportion to the amount by which the value of the narrower-range part of the fund is increased" ;

(b) subsection (3) of section four of this Act shall have effect as if for the words "so as either" to "each other" there were substituted the words "so as to bear to each other either the prescribed proportion or".

(4) An order under this section may be revoked by a subsequent order thereunder prescribing a greater proportion.

(5) An order under this section shall not have effect unless approved by a resolution of each House of Parliament.

Amendment of s. 27 of Trusts (Scotland) Act, 1921.

**14.** So much of section twenty-seven of the Trusts (Scotland) Act, 1921, as empowers the Court of Session to approve as investments for trust funds any stocks, funds or securities in addition to those in which trustees are by that Act authorised to invest trust funds shall cease to have effect.

Saving for powers of court.

**15.** The enlargement of the investment powers of trustees by this Act shall not lessen any power of a court to confer wider powers of investment on trustees, or affect the extent to which any such power is to be exercised.

Minor and consequential amendments and repeals.

**16.—(1)** The provisions of the Fourth Schedule to this Act (which contain minor amendments and amendments consequential on the foregoing provisions of this Act) shall have effect.

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

Short title, extent and construction.

**17.—(1)** This Act may be cited as the Trustee Investments Act, 1961.

(2) Sections eleven and sixteen of this Act shall extend to Northern Ireland, but except as aforesaid and except so far as any other provisions of the Act apply by virtue of subsection (1) of section one of the Trustee Act (Northern Ireland), 1958, or any other enactment of the Parliament of Northern Ireland, to trusts the execution of which is governed by the law in force in Northern Ireland, this Act does not apply to such trusts.

(3) So much of section sixteen of this Act as relates to the Post Office Savings Bank and to trustee savings banks shall extend to the Isle of Man and the Channel Islands.

(4) Except where the context otherwise requires, in this Act, in its application to trusts the execution of which is governed by the law in force in England and Wales, expressions have the same meaning as in the Trustee Act, 1925.

(5) Except where the context otherwise requires, in this Act, in its application to trusts the execution of which is governed by the law in force in Scotland, expressions have the same meaning as in the Trusts (Scotland) Act, 1921.

## SCHEDULES

### FIRST SCHEDULE

Section 1.

#### MANNER OF INVESTMENT

##### PART I

###### NARROWER-RANGE INVESTMENTS NOT REQUIRING ADVICE

1. In Defence Bonds, National Savings Certificates and Ulster Savings Certificates.

2. In deposits in the Post Office Savings Bank, ordinary deposits in a trustee savings bank and deposits in a bank or department thereof certified under subsection (3) of section nine of the Finance Act, 1956.

##### PART II

###### NARROWER-RANGE INVESTMENTS REQUIRING ADVICE

1. In securities issued by Her Majesty's Government in the United Kingdom, the Government of Northern Ireland or the Government of the Isle of Man, not being securities falling within Part I of this Schedule and being fixed-interest securities registered in the United Kingdom or the Isle of Man, Treasury Bills or Tax Reserve Certificates.

2. In any securities the payment of interest on which is guaranteed by Her Majesty's Government in the United Kingdom or the Government of Northern Ireland.

3. In fixed-interest securities issued in the United Kingdom by any public authority or nationalised industry or undertaking in the United Kingdom.

4. In fixed-interest securities issued in the United Kingdom by the government of any overseas territory within the Commonwealth or by any public or local authority within such a territory, being securities registered in the United Kingdom.

References in this paragraph to an overseas territory or to the government of such a territory shall be construed as if they occurred in the Overseas Service Act, 1958.

5. In fixed-interest securities issued in the United Kingdom by the International Bank for Reconstruction and Development, being securities registered in the United Kingdom.

6. In debentures issued in the United Kingdom by a company incorporated in the United Kingdom, being debentures registered in the United Kingdom.

7. In stock of the Bank of Ireland.

8. In debentures issued by the Agricultural Mortgage Corporation Limited or the Scottish Agricultural Securities Corporation Limited.

9. In loans to any authority to which this paragraph applies charged on all or any of the revenues of the authority or on a fund into which all or any of those revenues are payable, in any fixed-interest securities issued in the United Kingdom by any such authority for the purpose of borrowing money so charged, and in deposits with any such authority by way of temporary loan made

**1ST SCH.** on the giving of a receipt for the loan by the treasurer or other similar officer of the authority and on the giving of an undertaking by the authority that, if requested to charge the loan as aforesaid, it will either comply with the request or repay the loan.

This paragraph applies to the following authorities, that is to say—

- (a) any local authority in the United Kingdom ;
- (b) any authority all the members of which are appointed or elected by one or more local authorities in the United Kingdom ;
- (c) any authority the majority of the members of which are appointed or elected by one or more local authorities in the United Kingdom, being an authority which by virtue of any enactment has power to issue a precept to a local authority in England and Wales, or a requisition to a local authority in Scotland, or to the expenses of which, by virtue of any enactment, a local authority in the United Kingdom is or can be required to contribute ;
- (d) the Receiver for the Metropolitan Police District or a combined police authority (within the meaning of the Police Act, 1946) ;
- (e) the Belfast City and District Water Commissioners.

10. In debentures or in the guaranteed or preference stock of any incorporated company, being statutory water undertakers within the meaning of the Water Act, 1945, or any corresponding enactment in force in Northern Ireland, and having during each of the ten years immediately preceding the calendar year in which the investment was made paid a dividend of not less than five per cent. on its ordinary shares.

11. In deposits by way of special investment in a trustee savings bank or in a department (not being a department certified under subsection (3) of section nine of the Finance Act, 1956) of a bank any other department of which is so certified.

12. In deposits in a building society designated under section one of the House Purchase and Housing Act, 1959.

13. In mortgages of freehold property in England and Wales or Northern Ireland and of leasehold property in those countries of which the unexpired term at the time of investment is not less than sixty years, and in loans on heritable security in Scotland.

14. In perpetual rent-charges charged on land in England and Wales or Northern Ireland and fee-farm rents (not being rent-charges) issuing out of such land, and in feu-duties or ground annuals in Scotland.

### PART III

#### WIDER-RANGE INVESTMENTS

1. In any securities issued in the United Kingdom by a company incorporated in the United Kingdom, being securities registered in the United Kingdom and not being securities falling within Part II of this Schedule.

2. In shares in any building society designated under section one of the House Purchase and Housing Act, 1959.

3. In any units, or other shares of the investments subject to the trusts, of a unit trust scheme in the case of which there is in force at the time of investment an order of the Board of Trade under section seventeen of the Prevention of Fraud (Investments) Act, 1958, or of the Ministry of Commerce for Northern Ireland under section sixteen of the Prevention of Fraud (Investments) Act (Northern Ireland), 1940.

#### PART IV

##### SUPPLEMENTAL

1. The securities mentioned in Parts I to III of this Schedule do not include any securities where the holder can be required to accept repayment of the principal, or the payment of any interest, otherwise than in sterling.

2. The securities mentioned in paragraphs 1 to 8 of Part II, other than Treasury Bills or Tax Reserve Certificates, securities issued before the passing of this Act by the Government of the Isle of Man, securities falling within paragraph 4 of the said Part II issued before the passing of this Act or securities falling within paragraph 9 of that Part, and the securities mentioned in paragraph 1 of Part III of this Schedule, do not include—

- (a) securities the price of which is not quoted on a recognised stock exchange within the meaning of the Prevention of Fraud (Investments) Act, 1958, or the Belfast stock exchange ;
- (b) shares or debenture stock not fully paid up (except shares or debenture stock which by the terms of issue are required to be fully paid up within nine months of the date of issue).

3. The securities mentioned in paragraph 6 of Part II and paragraph 1 of Part III of this Schedule do not include—

- (a) shares or debentures of an incorporated company of which the total issued and paid up share capital is less than one million pounds ;
- (b) shares or debentures of an incorporated company which has not in each of the five years immediately preceding the calendar year in which the investment is made paid a dividend on all the shares issued by the company, excluding any shares issued after the dividend was declared and any shares which by their terms of issue did not rank for the dividend for that year.

For the purposes of sub-paragraph (b) of this paragraph a company formed—

- (i) to take over the business of another company or other companies, or
- (ii) to acquire the securities of, or control of, another company or other companies,

or for either of those purposes and for other purposes shall be deemed to have paid a dividend as mentioned in that sub-paragraph in any year in which such a dividend has been paid by the other company or all the other companies, as the case may be.

**1st SCH.**

4. In this Schedule, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“debenture” includes debenture stock and bonds, whether constituting a charge on assets or not, and loan stock or notes ;

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

“fixed-interest securities” means securities which under their terms of issue bear a fixed rate of interest ;

“local authority” in relation to the United Kingdom, means any of the following authorities—

(a) in England and Wales, the council of a county, a county, metropolitan or other borough (including a borough which has been included in a rural district), an urban or rural district or a parish, the Common Council of the City of London and the Council of the Isles of Scilly ;

(b) in Scotland, a local authority within the meaning of the Local Government (Scotland) Act, 1947 ;

(c) in Northern Ireland, the council of a county, a county or other borough, or an urban or rural district ;

“ordinary deposits” and “special investment” have the same meanings respectively as in the Trustee Savings Banks Act, 1954 ;

“securities” includes shares, debentures, Treasury Bills and Tax Reserve Certificates ;

“share” includes stock ;

“Treasury Bills” includes Exchequer bills and other bills issued by Her Majesty’s Government in the United Kingdom and Northern Ireland Treasury Bills.

5. It is hereby declared that in this Schedule “mortgage”, in relation to freehold or leasehold property in Northern Ireland, includes a registered charge which, by virtue of subsection (4) of section forty of the Local Registration of Title (Ireland) Act, 1891, or any other enactment, operates as a mortgage by deed.

6. References in this Schedule to an incorporated company are references to a company incorporated by or under any enactment and include references to a body of persons established for the purpose of trading for profit and incorporated by Royal Charter.

7. The references in paragraph 12 of Part II and paragraph 2 of Part III of this Schedule to a building society designated under section one of the House Purchase and Housing Act, 1959, include references to a permanent society incorporated under the Building Societies Acts (Northern Ireland) 1874 to 1940 for the time being designated by the Registrar for Northern Ireland under subsection (2) of that section (which enables such a society to be so designated for the purpose of trustees’ powers of investment specified in paragraph (a) of subsection (1) of that section).



## SECOND SCHEDULE

Section 3.

MODIFICATION OF S. 2 IN RELATION TO PROPERTY  
FALLING WITHIN S. 3 (3)

1. In this Schedule "special-range property" means property falling within subsection (3) of section three of this Act.

2.—(1) Where a trust fund includes special-range property, subsection (1) of section two of this Act shall have effect as if references to the trust fund were references to so much thereof as does not consist of special-range property, and the special-range property shall be carried to a separate part of the fund.

(2) Any property which—

(a) being property belonging to the narrower-range or wider-range part of a trust fund, is converted into special-range property, or

(b) being special-range property, accrues to a trust fund after the division of the fund or part thereof in pursuance of subsection (1) of section two of this Act or of that subsection as modified by sub-paragraph (1) of this paragraph,

shall be carried to such a separate part of the fund as aforesaid; and subsections (2) and (3) of the said section two shall have effect subject to this sub-paragraph.

3. Where property carried to such a separate part as aforesaid is converted into property other than special-range property,—

(a) it shall be transferred to the narrower-range part of the fund or the wider-range part of the fund or apportioned between them, and

(b) any transfer of property from one of those parts to the other shall be made which is necessary to secure that the value of each of those parts of the fund is increased by the same amount.

## THIRD SCHEDULE

Section 3.

## PROVISIONS SUPPLEMENTARY TO S. 3 (4)

1. Where in a case falling within subsection (4) of section three of this Act, property belonging to the narrower-range part of a trust fund—

(a) is invested otherwise than in a narrower-range investment, or

(b) being so invested, is retained and not transferred or as soon as may be reinvested as mentioned in subsection (2) of section two of this Act,

then, so long as the property continues so invested and comprised in the narrower-range part of the fund, section one of this Act shall not authorise the making or retention of any wider-range investment.

2. Section four of the Trustee Act, 1925, or section thirty-three of the Trusts (Scotland) Act, 1921 (which relieve a trustee from liability for retaining an investment which has ceased to be authorised), shall not apply where an investment ceases to be authorised in consequence of the foregoing paragraph.

## Section 16.

## FOURTH SCHEDULE

## MINOR AND CONSEQUENTIAL AMENDMENTS

1.—(1) References in the Trustee Act, 1925, except in subsection (2) of section sixty-nine of that Act, to section one of that Act or to provisions which include that section shall be construed respectively as references to section one of this Act and as including references to section one of this Act.

(2) References in the Trusts (Scotland) Act, 1921, to section ten or eleven of that Act, or to provisions which include either of those sections, shall be construed respectively as references to section one of this Act and as including references to that section.

2.—(1) In the Schedule to the Building Societies Act, 1939 (which specifies the classes of additional security which may be taken into account in determining the amount of advances to members), in paragraph 4 for the words from “stocks” to the end there shall be substituted the words “narrower-range investments (within the meaning of the Trustee Investments Act, 1961),” and in paragraph 6 for the words from “stocks” to the end there shall be substituted the word “investments”.

(2) Nothing in this paragraph shall be taken to prejudice the power of the Chief Registrar under section fifteen of the Building Societies Act, 1960, to extend the classes of additional security specified in the said Schedule.

3. The following enactments and instruments, that is to say—

(a) subsection (3) of section seventy-four of the Third Schedule to the Water Act, 1945, and any order made under that Act applying the provisions of that subsection ;

(b) any local and personal Act which, or any order or other instrument in the nature of any such Act which, modifies paragraph (f) of subsection (1) of section one of the Trustee Act, 1925,

shall have effect as if for any reference to the said paragraph (f) there were substituted a reference to paragraph 10 of Part II of the First Schedule to this Act.

4.—(1) In section one of the Trustee Savings Banks Act, 1954, in paragraph (a) of subsection (3), the reference to the acceptance of deposits of money for the benefit of the depositor shall include a reference to the acceptance of deposits of money by a trustee, and subsection (1) of section eight of the Post Office Savings Bank Act, 1954, and subsection (1) of section twenty of the Trustee Savings Banks Act, 1954 (which relate to the settlement of disputes), shall apply to any depositor being a body of trustees and to a person who is or claims to be the successor in the trusts of any depositor being a trustee as those subsections apply to an individual depositor and to a person who is or claims to be the personal representative of a depositor.

(2) Nothing in the foregoing sub-paragraph shall be taken to prejudice section twenty-two of the Trustee Savings Banks Act, 1954 (under which deposits may be accepted from a person acting as a trustee on behalf of the depositor, the account being in the joint names of the trustee and the depositor).

(3) Subsection (1) of section fourteen of the Post Office Savings Bank Act, 1954, and subsection (1) of section twenty-four of the Trustee Savings Banks Act, 1954 (which authorise the investment of certain charitable and provident funds in savings banks), shall cease to have effect so far as they relate to trustees. 4TH SCH.

5. For the purposes of the provisions of the Post Office Savings Bank Act, 1954, and the Trustee Savings Banks Act, 1954, limiting the amount which may be received by way of deposit or ordinary deposit or for special investment, or the provisions of the last-mentioned Act restricting the making of deposits in more than one trustee savings bank, a person who is a trustee shall be treated separately in his personal capacity and in his capacity as trustee, and in the latter capacity separately in respect of each separate trust fund.

6. For the reference in subsection (2) of section one of the House Purchase and Housing Act, 1959, to paragraph (a) of subsection (1) of that section there shall be substituted a reference to paragraph 12 of Part II and paragraph 2 of Part III of the First Schedule to this Act.

## FIFTH SCHEDULE

Section 16.

## REPEALS

| Session and Chapter       | Short Title                                                | Extent of Repeal                                                                                                                                                           |
|---------------------------|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 63 & 64 Vict.<br>c. 62.   | The Colonial Stock Act, 1900                               | Section two.                                                                                                                                                               |
| 2 Edw. 7. c. 41           | The Metropolis Water Act, 1902.                            | In section seventeen, subsection (4).                                                                                                                                      |
| 11 & 12 Geo. 5.<br>c. 58. | The Trusts (Scotland) Act, 1921.                           | Sections ten and eleven.<br>In section twelve, subsections (3) and (4).<br>In section twenty-seven, the words from "including such regulations" to the end of the section. |
| 15 & 16 Geo. 5.<br>c. 19. | The Trustee Act, 1925 ...                                  | Section one.<br>In section two, the proviso to subsection (1).<br>In section five, paragraph (a) of subsection (1) and subsections (4) to (6).                             |
| 18 & 19 Geo. 5.<br>c. 43. | The Agricultural Credits Act, 1928.                        | Section three.                                                                                                                                                             |
| 19 & 20 Geo. 5.<br>c. 13. | The Agricultural Credits (Scotland) Act, 1929.             | Section three.                                                                                                                                                             |
| 20 & 21 Geo. 5.<br>c. 5.  | The Colonial Development Act, 1929.                        | In section three, subsection (3).                                                                                                                                          |
| 24 & 25 Geo. 5.<br>c. 47. | The Colonial Stock Act, 1934                               | The whole Act.                                                                                                                                                             |
| 8 & 9 Geo. 6.<br>c. 12.   | The Northern Ireland (Miscellaneous Provisions) Act, 1945. | Sections four to six.                                                                                                                                                      |

## 5TH SCH.

| Session and Chapter       | Short Title                                                                       | Extent of Repeal                                                                 |
|---------------------------|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| 11 & 12 Geo. 6. c. 7.     | The Ceylon Independence Act, 1947.                                                | In the Second Schedule, paragraph 4.                                             |
| 12, 13 & 14 Geo. 6. c. 1. | The Colonial Stock Act, 1948                                                      | In section two, subsection (3).                                                  |
| 2 & 3 Eliz. 2. c. 62.     | The Post Office Savings Bank Act, 1954.                                           | In section four, subsection (4).                                                 |
| 5 & 6 Eliz. 2. c. 6.      | The Ghana Independence Act, 1957.                                                 | In the Second Schedule, paragraph 4.                                             |
| 5 & 6 Eliz. 2. c. 60.     | The Federation of Malaya Independence Act, 1957.                                  | In the First Schedule, paragraph 8.                                              |
| 6 & 7 Eliz. 2. c. 47.     | The Agricultural Marketing Act, 1958.                                             | In section sixteen, in paragraph (a), the words from "or for the time" to "Act". |
| 6 & 7 Eliz. 2. c. 55.     | The Local Government Act, 1958.                                                   | Section fifty-four.                                                              |
| 6 & 7 Eliz. 2. c. 64.     | The Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958. | Section sixteen.                                                                 |
| 7 & 8 Eliz. 2. c. 33.     | The House Purchase and Housing Act, 1959.                                         | In section one, paragraph (a) of subsection (1), and subsection (5).             |
| 8 & 9 Eliz. 2. c. 52.     | The Cyprus Act, 1960.                                                             | In the Schedule, in paragraph 9, sub-paragraphs (1), (3) and (4).                |
| 8 & 9 Eliz. 2. c. 55.     | The Nigeria Independence Act, 1960.                                               | In the Second Schedule, paragraph 4.                                             |
| 9 & 10 Eliz. 2. c. 16.    | The Sierra Leone Independence Act, 1961.                                          | In the Third Schedule, paragraph 5.                                              |

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*Table of Statutes referred to in this Act*

| Short Title                                                 | Session and Chapter         |
|-------------------------------------------------------------|-----------------------------|
| Local Registration of Title (Ireland) Act, 1891             | 54 & 55 Vict. c. 66.        |
| Trusts (Scotland) Act, 1921 ... ..                          | 11 & 12 Geo. 5. c. 58.      |
| Trustee Act, 1925 ... ..                                    | 15 & 16 Geo. 5. c. 19.      |
| Local Government Superannuation Act, 1937                   | 1 Edw. 8 & 1 Geo. 6. c. 68. |
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| Building Societies Act, 1939 ... ..                         | 2 & 3 Geo. 6. c. 55.        |
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| Local Government (Scotland) Act, 1947 ... ..                | 10 & 11 Geo. 6. c. 43.      |
| Post Office Savings Bank Act, 1954 ... ..                   | 2 & 3 Eliz. 2. c. 62.       |
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| Prevention of Fraud (Investments) Act, 1958 ... ..          | 6 & 7 Eliz. 2. c. 45.       |
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## CHAPTER 63

## ARRANGEMENT OF SECTIONS

## Section

1. Civil liability for non-repair of certain highways and bridges.
2. Relief of main carriageways of trunk roads from local traffic.
3. Further powers of local highway authorities to construct bridges over and tunnels under navigable waters.
4. Contributions to expenditure of parish councils in maintaining foot-paths etc.
5. Extension of powers of highway and local authorities to plant and protect trees in highways etc.
6. Power to fill in roadside ditches etc.
7. Penalty for unlawfully painting marks on highways.
8. Removal of dangerous things deposited on highways.
9. Supplementary provisions as to removal of obstructions from highways.
10. Cutting or felling of dangerous trees etc. near roads or footpaths.
11. Overruling of objections to streets becoming maintainable highways.
12. Street works expenses for premises flanking or backing on the street.
13. Extension of powers to acquire land for drainage of highways.
14. Power to exchange land to adjust boundaries of highways.
15. Financial provisions.
16. Construction with principal Act, and application of s. 261 and s. 288.
17. Citation, commencement and extent.

**An Act to make certain amendments to the law relating  
to highways, streets and bridges in England and Wales  
[3rd August, 1961]**

**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 rule of law exempting the inhabitants at large and any other persons as their successors from liability for non-repair of highways is hereby abrogated. Civil liability for non-repair of certain highways and bridges.

(2) In an action against a highway authority in respect of damage resulting from their failure to maintain a highway maintainable at the public expense, it shall be a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the authority had taken such care as in all the circumstances was reasonably required to secure that the part of the highway to which the action relates was not dangerous for traffic.

(3) For the purposes of a defence under the last foregoing subsection, the court shall in particular have regard to the following matters, that is to say—

- (a) the character of the highway, and the traffic which was reasonably to be expected to use it ;
- (b) the standard of maintenance appropriate for a highway of that character and used by such traffic ;
- (c) the state of repair in which a reasonable person would have expected to find the highway ;

- (d) whether the highway authority knew, or could reasonably have been expected to know, that the condition of the part of the highway to which the action relates was likely to cause danger to users of the highway ;
- (e) where the highway authority could not reasonably have been expected to repair that part of the highway before the cause of action arose, what warning notices of its condition had been displayed ;

but for the purposes of such a defence it shall not be relevant to prove that the highway authority had arranged for a competent person to carry out or supervise the maintenance of the part of the highway to which the action relates unless it is also proved that the authority had given him proper instructions with regard to the maintenance of the highway and that he had carried out the instructions.

(4) In the application of this section to highways in London repairable by the inhabitants at large, references to the highway authority are references to the council responsible for the maintenance of the highway ; and for the avoidance of doubt it is hereby declared that, by virtue of subsection (1) of section sixteen of this Act, any reference to a highway in this section includes a reference to a bridge.

(5) This section shall bind the Crown.

(6) The following provisions (which relate to the rule of law abrogated by this section) are hereby repealed, that is to say—

- (a) in section forty of the Crown Proceedings Act, 1947, paragraph (e) of subsection (2) ;
- (b) in subsection (1) of section eighty-nine of the principal Act, the words from “ and they ” onwards ;
- (c) section two hundred and ninety-eight of the principal Act ;

and the provisions of any enactment other than a public general enactment shall cease to have effect so far as they exempt a highway authority from liability for non-repair of a highway maintainable by the authority.

(7) This section shall not apply to damage resulting from breaking or opening or tunnelling or boring under a street by way of code-regulated works, being damage resulting from an event which occurred—

- (a) before the completion of the reinstatement or making good of the relevant part of the street in pursuance of the obligation imposed on the undertakers by subsection (2) of section seven of the Public Utilities Street Works Act, 1950 ; or

- (b) where the relevant part of the street is the subject of an election under the Third Schedule to that Act (which, with minor exceptions, limits the obligation of undertakers to the execution of interim restoration), during the period mentioned in sub-paragraph (a) of paragraph 3 of that Schedule ;

and expressions used in this subsection and in the said Act of 1950 have the same meanings as in that Act.

(8) This section shall come into force on the expiration of the period of three years beginning with the passing of this Act, and shall not apply to damage resulting from an event which occurred before the expiration of that period.

2.—(1) The power conferred on the Minister by section seven of the principal Act to direct that a highway shall become a trunk road shall include power to direct that a highway which he considers suitable for the purpose of relieving a main carriage-way of the trunk road from local traffic shall become part of the trunk road, whether or not the highway is separated from the remainder of the road by intervening land.

Relief of main carriageways of trunk roads from local traffic.

In this subsection references to a highway include references to a proposed highway.

(2) Without prejudice to the provisions of the foregoing subsection, the powers to improve a trunk road conferred on the Minister by the principal Act and the Trunk Roads Acts, 1936 and 1946, shall include power to construct, as part of the trunk road, a highway for the purpose aforesaid ; but nothing in this subsection shall authorise the construction of a highway which is separated from the remainder of the trunk road by intervening land.

3.—(1) A scheme made by a local highway authority under this section and confirmed by the Minister may make provision for the construction, as part of a highway or proposed highway which is or is to be a highway maintainable at the public expense by the authority (not being a special road), of a bridge over or a tunnel under any navigable waters (whether the sea, a river or other waters) specified in the scheme.

Further powers of local highway authorities to construct bridges over and tunnels under navigable waters.

(2) The following provisions of the principal Act, that is to say, subsection (8) of section eleven, subsections (3) to (5) and (7) of section twenty, subsection (1) of section two hundred and eighty-five, subsections (1), (3) and (6) of section two hundred and eighty-six, Part II of the First Schedule and the Second Schedule (which among other things provide for safeguarding navigation over waters affected by a

scheme under section eleven of that Act authorising the construction of such bridges and tunnels as part of a special road, require the inclusion in the scheme of relevant plans and specifications, specify the procedure for publicising and giving effect to the scheme, and make it subject to special parliamentary procedure in certain cases), shall apply to a scheme under this section as they apply to a scheme under the said section eleven, as if the references in the said subsection (8) to the special road and the special road authority were references to the bridge or tunnel in question and the highway authority for it and the references in the said Part II to the special road and its route were references to the proposed site of the bridge or tunnel.

Contributions to expenditure of parish councils in maintaining footpaths etc.

**4.**—(1) The highway authority for any footpath or bridleway which a parish council have power to maintain under section forty-six of the principal Act may undertake to defray the whole or part of any expenditure incurred by the council in maintaining the footpath or bridleway.

(2) For the purposes of any enactment restricting the expenditure of a parish council, their expenditure shall be deemed not to include any expenditure falling to be defrayed by a highway authority by virtue of the foregoing subsection.

Extension of powers of highway and local authorities to plant and protect trees in highways etc.

**5.**—(1) The following powers conferred on a highway authority by subsections (1) and (2) of section eighty-two of the principal Act, that is to say—

- (a) the power to maintain and protect trees, shrubs and grass verges planted by the authority in a highway maintainable by them or in other land mentioned in the said subsection (2); and
- (b) the power to alter or remove any such verge and any thing provided by the authority for the maintenance or protection of trees, shrubs or verges so planted by them,

shall be exercisable in relation to, and to things provided for the maintenance or protection of, trees, shrubs or verges whether or not they were provided or planted by the highway authority; and subsections (3) and (4) of that section (which provide for the exercise by the other authorities there mentioned of the powers conferred on a highway authority by the said subsection (1)) shall have effect accordingly.

(2) The following amendments consequential on the provisions of the foregoing subsection shall be made in the said subsection (1), that is to say—

- (a) for the words “by them under this subsection” in both places where they occur there shall be substituted the words “, whether or not by them, in such a highway”; and



- (b) for the words from “ provided ” onwards there shall be substituted the words “ provided, whether or not by them, for the maintenance or protection of any tree, shrub or verge in such a highway ”.

(3) Any reference in the said section eighty-two as amended by the last foregoing subsection to trees or shrubs shall include a reference to plants of any description ; and accordingly the following subsection shall be inserted at the end of that section :—

“ (8) References in this section to trees or shrubs shall be construed as including references to plants of any description.”

6.—(1) If it appears to the highway authority for any highway that a ditch on land adjoining or lying near to the highway constitutes a danger to users of the highway, the authority may— Power to fill in roadside ditches etc.

- (a) if they consider the ditch unnecessary for drainage purposes and any occupier of the land known to the authority agrees in writing that it is unnecessary for those purposes, fill it in ; or
- (b) place in the ditch, or in land adjoining or lying near to it, such pipes as they consider necessary in substitution for the ditch, and thereafter fill it in.

(2) Subsection (2) of section one hundred and three of the principal Act (which provides for compensating persons damaged by the exercise of the powers to lay pipes and construct ditches conferred by subsection (1) of that section) shall have effect as if the reference to the said subsection (1) included a reference to the foregoing subsection ; and subsection (3) of that section (which penalizes persons who interfere with works constructed under the said subsection (1)) shall apply to any person who opens up or keeps open any ditch filled in under the foregoing subsection (except as may be reasonably necessary for the purpose of doing work on any pipes placed in the ditch) as it applies to persons who interfere as aforesaid.

(3) Section two hundred and fifty-six of the principal Act (which provides that where an authority having power to execute works on land under specified provisions of that Act are refused entry to the land, the authority may apply to a magistrates' court for an order authorising the entry) and section three hundred and eight of that Act (under which the consent of drainage boards is required for the exercise of powers to interfere with certain water-courses conferred by specified provisions of that Act) shall have effect as if subsection (1) of this section were a provision to which those sections apply ; and nothing in section two hundred and sixty-three of the Public Health Act, 1936 (which prohibits

the culverting of watercourses in certain districts without the approval of the local authority) shall apply to anything done by virtue of subsection (1) of this section.

(4) A highway authority shall not exercise their powers under subsection (1) of this section in such a manner as to be likely to cause damage to or affect the drainage of any land or works used for the purposes of a railway or canal undertaking, except—

- (a) after giving not less than fourteen days' notice to the undertakers of the manner in which it is proposed to exercise those powers ; and
- (b) in accordance with any reasonable requirements of the undertakers of which notice is given to the authority within fourteen days from the date of service of the authority's notice ;

and any question whether any such requirement is reasonable shall, in default of agreement, be determined by the Minister.

(5) In this section, "ditch" includes a watercourse and any part of a ditch or watercourse, and "pipes" includes culverts, tunnels and other works.

Penalty for unlawfully painting marks on highways.

7. It shall be an offence under subsection (1) of section one hundred and seventeen of the principal Act (which provides that persons who damage highways shall be liable to a fine of forty shillings) for any person, without lawful authority or excuse, to paint or otherwise inscribe or affix upon the surface of a highway, or upon any tree, structure or works on or in a highway, any picture, letter, sign or other mark ; and accordingly the said subsection (1) shall have effect with the insertion after paragraph (c) of the following paragraph:—

"(cc) paints or otherwise inscribes or affixes upon the surface of a highway, or upon any tree, structure or works on or in a highway, any picture, letter, sign or other mark, or".

Removal of dangerous things deposited on highways.

8.—(1) If the highway authority for any highway have reasonable grounds for considering—

- (a) that any thing unlawfully deposited on the highway constitutes a danger (including a danger caused by obstructing the view) to users of the highway ; and
- (b) that the thing in question ought to be removed without the delay involved in giving notice or obtaining a removal order from a magistrates' court under section one hundred and twenty-eight of the principal Act,

the authority may remove the thing forthwith and recover from the person by whom it was deposited on the highway, or from any person claiming to be entitled to it, any expenses reasonably incurred by the authority in removing it.

(2) The highway authority by whom a thing is removed in pursuance of the foregoing subsection may, instead of recovering their expenses as provided by that subsection, make a complaint to a magistrates' court for an order under subsection (2) of the said section one hundred and twenty-eight, as applied by this subsection, authorising the authority to dispose of the thing in question; and subsections (2) to (4) of that section shall apply for the purposes of this subsection as if for the words "to remove the thing in question and to dispose of it" in subsection (2) there were substituted the words "to dispose of the thing in question".

9.—(1) The highway authority or other person having a duty under section one hundred and twenty-nine of the principal Act to remove an obstruction from a highway may—

Supplementary provisions as to removal of obstructions from highways.

- (a) take any reasonable steps (including the placing of lights, signs and fences on the highway) for the purpose of warning users of the highway of the obstruction;
- (b) sell any thing removed in carrying out the duty aforesaid, unless the thing is claimed by its owner before the expiration of seven days from the date of its removal;
- (c) recover from the owner of the thing which caused or contributed to the obstruction, or where the thing has been sold under the last foregoing paragraph, from its previous owner, the expenses reasonably incurred as respects the obstruction in carrying out the duty aforesaid and in exercising any powers conferred by this subsection, so however that no such expenses shall be recoverable from a person who proves that he took reasonable care to secure that the thing in question did not cause or contribute to the obstruction.

(2) Where the highway authority or any other person sell any thing in exercise of their powers under the foregoing subsection, then—

- (a) if any expenses are recoverable under that subsection by the authority or person from the previous owner of the thing, they may set off the expenses against the proceeds of sale (without prejudice to the recovery of any balance of the expenses from the previous owner) and shall pay over any balance of the proceeds to the previous owner; and
- (b) if no expenses are so recoverable, they shall pay over the whole of the proceeds of sale to the previous owner.

10.—(1) Where it appears to the appropriate authority for any highway, or for any other road or footpath to which the public has access,—

Cutting or felling of dangerous trees etc. near roads or footpaths.

- (a) that any hedge, tree, or shrub is dead, diseased, damaged or insecurely rooted; and

- (b) that by reason of its condition it, or part of it, is likely to cause danger by falling on the highway, road or footpath ;

the 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 situated, require him within fourteen days from the date of service of the notice so to cut or fell it as to remove the likelihood of danger.

(2) Subsections (2) to (4) of section one hundred and thirty-four of the principal Act (which relate to the interpretation of that section and to appeals from, and the enforcement of, notices under subsection (1) of that section requiring the cutting of vegetation which overhangs roads and footpaths) shall have effect as if references to that section and subsection (1) of that section included references to the foregoing subsection ; and section two hundred and fifty-six of the principal Act (which confers powers of entry) shall have effect for the purposes of this section as if this section were a provision to which that section applies and as if the purposes mentioned in subsection (1) of that section included the purpose of ascertaining whether any hedge, tree or shrub is dead, diseased, damaged or insecurely rooted.

Overruling of objections to streets becoming maintainable highways.

**11.**—(1) Where by virtue of an objection made in pursuance of section two hundred and two of the principal Act (which provides that where street works have been executed in a private street or part of it, the street works authority may by notice make the street or part a highway maintainable at the public expense unless the owner or a majority of the owners of the street or part object) a private street within the meaning of that section or a part of such a street is prevented from becoming such a highway, the street works authority may, within two months from the expiration of the period mentioned in subsection (1) of that section, apply to a magistrates' court for an order overruling the objection.

(2) If an order overruling the objection is made in pursuance of the foregoing subsection and no appeal against the order is brought within the time limited for such an appeal, the street or part in question shall become a highway maintainable at the public expense on the expiration of that time ; and where such an order is made or refused and an appeal, or an appeal arising out of that appeal, is brought against or arises out of the order or refusal, the street or part shall become such a highway on the final determination of the matter in favour of the authority or on the abandonment of the appeal by the objectors.

(3) Notwithstanding anything in any other enactment or provision, for the purposes of this section the time for bringing or seeking leave for any appeal (including an application for

certiorari) shall be two months from the date of the decision or of the conclusion of the proceedings appealed against, unless apart from this subsection the time is less than that period ; and any power, however worded, to enlarge any such time shall not be exercisable for the purposes of this section.

12. In subsection (2) of section two hundred and ten of the principal Act (which empowers the street works authority to bear the whole or a portion of the expenses of any street works which would otherwise be apportioned on or to the owner of any premises of which only the rear or a flank fronts the street) the word " only " shall be omitted.

Street works expenses for premises flanking or backing on the street.

13. In sections two hundred and fourteen and two hundred and fifteen of the principal Act (which among other things relate to the acquisition of land for the construction and improvement of highways), so much of subsection (3) of either section as prohibits the compulsory acquisition of land lying more than two hundred and twenty yards from the middle of the relevant highway shall not apply to land required for purposes connected with the drainage of that highway.

Extension of powers to acquire land for drainage of highways.

14.—(1) Subject to the provisions of this section, the highway authority for any highway maintainable at the public expense may, for the purpose of straightening or otherwise adjusting the boundaries of the highway, enter into an agreement with the owner of any land which adjoins or lies near to the highway providing for the exchange of any such land for land on which the highway is situated, with or without the payment by either party of money for equality of exchange.

Power to exchange land to adjust boundaries of highways.

(2) A highway authority proposing to enter into an agreement under this section shall—

- (a) publish once at least in each of two successive weeks, in one or more newspapers circulating in the area concerned, a notice giving particulars of the proposed agreement ; and
- (b) not later than the date on which the notice is first published in pursuance of the foregoing paragraph, serve a copy of the notice—
  - (i) on any statutory undertakers appearing to the authority to be affected by the proposal ; and
  - (ii) on any other person appearing to the authority to have an interest in the land proposed to be conveyed by the authority ; and
  - (iii) where the highway in question is a claimed county road, on the county council concerned ; and

- (c) not later than the date aforesaid, cause a copy of the notice to be displayed in a prominent position on the part of the highway to which the proposal relates ;

and shall not enter into the proposed agreement before the expiration of the period of two months from the date aforesaid and, where an appeal under the next following subsection is brought against the proposed agreement, until the determination or abandonment of the appeal and of any appeal arising out of that appeal.

(3) Any person who objects to a proposed agreement under this section may, before the expiration of the period aforesaid, appeal to a magistrates' court against the proposed agreement ; and the court shall, after considering any representations made by or on behalf of any party to the appeal and the desirability in the public interest of the proposed agreement, either dismiss the appeal or order the highway authority not to enter into the proposed agreement (without prejudice to the power of the authority to make the same proposal on a subsequent occasion).

(4) Where any land on which a highway is situated falls to be conveyed by the highway authority in pursuance of an agreement under this section, then—

(a) if the land belongs to the highway authority, nothing in this section shall be construed as dispensing with any consent of a government department which, under any enactment, is required for the conveyance, but where such consent is given or is not required the conveyance of the land by the authority shall, by virtue of this paragraph, operate to extinguish the public right of way over the land ;

(b) if the land does not belong to the highway authority, the authority shall have power to convey the land in accordance with the agreement and the conveyance shall, by virtue of this paragraph, operate to vest the land in the transferee for an estate in fee simple freed and discharged (subject to the provisions of subsections (6) and (7) of this section) from all other estates, interests, rights and charges, including the public right of way, which subsisted in, over or on the land immediately before the conveyance.

(5) Where by virtue of paragraph (b) of the last foregoing subsection any person suffers damage by being deprived of such an estate, interest, right or charge as is there mentioned, other than the public right of way, the highway authority shall pay him compensation equal to the amount of the damage.

(6) Where immediately before the conveyance of any land by a highway authority in pursuance of this section there is under, in, upon, over, along or across the land—

- (a) any telegraphic line (within the meaning of the Telegraph Act, 1878) belonging to or used by the Postmaster-General ; or
- (b) any apparatus belonging to or used by statutory undertakers for the purposes of their undertaking,

the provisions of subsection (2) of section three hundred of the principal Act or, as the case may be, Part II of the Twelfth Schedule to that Act (which respectively safeguard the rights of the Postmaster-General and statutory undertakers as respects lines and apparatus in stopped up highways, and regulate their alteration or removal) shall apply to the land as those provisions apply to a highway stopped up in pursuance of such an order as is mentioned in those provisions, but as if—

- (i) any reference to, or to an order authorising, the stopping up of a highway were a reference to the conveyance of the land in pursuance of this section ; and
- (ii) any reference in that Part to the authority on whose application the order was made were a reference to the authority who conveyed the land.

(7) Nothing in this section shall be construed as affecting any mines or minerals under a highway.

**15.** There shall be defrayed out of moneys provided by Parliament any increase attributable to this Act in the sums payable Financial provisions. out of such moneys—

- (a) by way of advances or other expenditure by the Minister under section two hundred and thirty-five of the principal Act ;
- (b) by way of rate-deficiency grant or exchequer equalisation grant under the enactments relating to local government in England and Wales or in Scotland.

**16.—(1)** This Act shall be construed as one with the principal Act, and accordingly, without prejudice to the effect of that construction, references in the principal Act to that Act shall include references to this Act except where the context otherwise requires. Construction with principal Act, and application of s. 261 and s. 288.

(2) In this Act “ the principal Act ” means the Highways Act, 1959.

(3) Section two hundred and sixty-one of the principal Act (which protects members and officers of local authorities from personal liability) shall have effect as if the provisions of this Act were provisions to which that section applies.

(4) In the application for the purposes of this Act of section two hundred and eighty-eight of the principal Act (which provides for the alteration by order of provisions of local Acts which are redundant or inconsistent with that Act)—

- (a) any reference to the commencement of that Act shall be construed as a reference to the commencement of this Act ;
- (b) any reference to provisions which appear or may be treated as redundant having regard to any provision of the principal Act, and to the purpose of removing redundant provisions, and the reference in subsection (3) to that provision of the principal Act shall be construed as including respectively a reference to provisions which it appears proper to alter having regard to the effect of section one of this Act, to the purpose of taking the effect of that section into account and to that section ; and
- (c) in relation to the power to make an order under the said section two hundred and eighty-eight which is exercisable by virtue of the last foregoing paragraph, any reference to the Minister of Housing and Local Government shall be construed as a reference to the Minister ;

and an order made by the Minister by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Citation,  
commence-  
ment and  
extent.

17.—(1) This Act may be cited as the Highways (Miscellaneous Provisions) Act, 1961, and may be cited together with the principal Act as the Highways Acts, 1959 and 1961.

(2) This Act, except section one, shall come into force on the expiration of one month beginning with the date of its passing.

(3) This Act shall not extend to Scotland or Northern Ireland or, except sections one and two, to London.

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*Table of Statutes referred to in this Act*

| Short Title                                    | Session and Chapter          |
|------------------------------------------------|------------------------------|
| Telegraph Act, 1878 ... ..                     | 41 & 42 Vict. c. 76.         |
| Public Health Act, 1936 ... ..                 | 26 Geo. 5 & 1 Edw. 8. c. 49. |
| Trunk Roads Act, 1936 ... ..                   | 1 Edw. 8 & 1 Geo. 6. c. 5.   |
| Trunk Roads Act, 1946 ... ..                   | 9 & 10 Geo. 6. c. 30.        |
| Crown Proceedings Act, 1947 ... ..             | 10 & 11 Geo. 6. c. 44.       |
| Public Utilities Street Works Act, 1950 ... .. | 14 Geo. 6. c. 39.            |
| Highways Act, 1959 ... ..                      | 7 & 8 Eliz. 2. c. 25.        |



## CHAPTER 64

### ARRANGEMENT OF SECTIONS

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- 43. Guard rail in private streets.
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- 45. Attachment of street lamps to buildings.
- 46. Forecourts abutting on streets.
- 47. Urgent repairs to private streets.
- 48. Pavement lights and ventilators.
- 49. Use by local authorities of vehicles and appliances on footways and bridleways.
- 50. New streets: separate sewers for foul water and surface water.
- 51. Refuse and litter bins.

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- 52. Management of parks and pleasure grounds.
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- 54. Boating pools and lakes.

## PART V

## TRADE EFFLUENTS

*Exemptions under Act of 1937*

- 55. Charges in cases exempted under s. 4 of Act of 1937.
- 56. Withdrawal of exemptions after two years' disuse.
- 57. Installation of inspection chambers and meters on exempted premises.

*Trade effluents byelaws*

- 58. Withdrawal of power to make byelaws under Act of 1937.

*Conditions attached to consents*

- 59. Conditions which may be attached to consents under Act of 1937.
- 60. Power to vary conditions.
- 61. Appeals under s. 3 of Act of 1937.
- 62. Postponement of right to discharge trade effluents in special cases.

*Farming, scientific research and other special cases*

- 63. Effluents from farms and premises used for scientific research.
- 64. Power to extend Act of 1937 to other effluents.
- 65. Laundries.

*Supplemental*

- 66. Appeals to the Minister.
- 67. Recording and testing of trade effluents.
- 68. Restriction of disclosure of information.
- 69. Explanation of Act of 1937.
- 70. Copies of directions by local authorities to be available to the public.
- 71. Amendment of s. 22 of London County Council (General Powers) Act, 1953.

## PART VI

## MISCELLANEOUS

## Section

- 72. Discharge of steam.
- 73. Derelict petrol tanks.
- 74. Power to reduce numbers of pigeons and other birds in built-up areas.
- 75. Byelaws as to pleasure fairs and roller skating rinks.
- 76. Byelaws as to seaside pleasure boats.
- 77. Byelaws as to hairdressers and barbers.
- 78. Water supply to houses.
- 79. Discontinuance of reports regarding canal boats.
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- 81. Summary recovery of damages for negligence.

## PART VII

## SUPPLEMENTAL

- 82. Power to amend local Acts.
- 83. Saving for law relating to ancient monuments and for planning law.
- 84. Extension of certain references to Public Health Acts.
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## SCHEDULES:

First Schedule—Building regulations.

Second Schedule—Supplementary provisions concerning sewerage contributions.

Third Schedule—Consents required for execution of certain works in streets.

Fourth Schedule—Attachment of street lighting equipment to certain buildings.

Fifth Schedule—Enactments repealed.

An Act to amend the provisions of the Public Health Act, 1936, relating to building byelaws, to make such amendments of the law relating to public health and the functions of county councils and other local authorities as are commonly made in local Acts, to amend the law relating to trade effluents and to amend section two hundred and forty-nine of the said Act of 1936. [3rd August, 1961]

**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

## GENERAL

- 1.—(1) Part II of this Act shall be construed as one with **Construction** Part II of the Public Health Act, 1936.
- (2) Part III of this Act shall be construed as one with Part V of the Public Health Act, 1936.

**PART 1**

(3) Part V of this Act shall be construed as one with the Public Health (Drainage of Trade Premises) Act, 1937, and references in Part V of this Act to that Act of 1937 are references to that Act as extended by orders under section twenty-two of the London County Council (General Powers) Act, 1953 (under which the Act of 1937 may be applied to areas outside London served by the London sewerage system).

(4) Subject to the provisions of this Act, the provisions of the Public Health Act, 1936, set out in the following table shall apply in relation to Part IV and Part VI of this Act as if the said Part IV and the said Part VI were contained in that Act.

TABLE

| Section | Subject Matter                                                                     |
|---------|------------------------------------------------------------------------------------|
| 275     | Power of local authority to execute certain work on behalf of owners or occupiers. |
| 283     | Form of notices.                                                                   |
| 284     | Authentication of documents.                                                       |
| 285     | Service of notices.                                                                |
| 288     | Penalty for obstructing execution of Act.                                          |
| 304     | Judges' and justices' liability to rates.                                          |
| 305     | Protection of members and officers of local authorities.                           |
| 341     | Power to apply provisions of Act to Crown property.                                |
| 343     | Interpretation.                                                                    |

**Interpretation.**

2.—(1) In this Act “the Minister” means the Minister of Housing and Local Government.

(2) Any reference in this Act to a parish council shall include a reference to the council of a borough included in a rural district.

(3) In this Act the expression “local authority”, except where the context otherwise requires, means the council of a borough or urban or rural district, and includes the Council of the Isles of Scilly.

(4) Any reference in this Act to the medical officer of health, or to a public health inspector, or to the surveyor, shall, in relation to premises in the district of a local authority, mean the medical officer of health, or a public health inspector, or the surveyor, of that local authority.

(5) Any reference in this Act to any enactment shall be taken as a reference to that enactment as amended by or under any other Act, including this Act.

**Extent.**

3. This Act shall not extend to Scotland or Northern Ireland or, save as otherwise expressly provided, to the administrative county of London.

**PART II**  
**SANITATION AND BUILDINGS**  
*Building regulations*

**4.—(1)** The Minister shall have power to make regulations **Power to make building regulations.** for all or any of the matters set out in sections sixty-one and sixty-two of the Public Health Act, 1936 (being the matters which local authorities can now regulate by building byelaws), and local authorities shall no longer have power to make building byelaws.

Regulations under this section shall be known as building regulations.

(2) Any provision contained in building regulations may be made so as to apply generally, or in an area specified in the regulations, and the regulations may make different provision for different areas.

(3) It shall be the function of every local authority to enforce building regulations in their district.

(4) Local authorities shall, in relation to building regulations, have all such functions under sections sixty-four and sixty-five of the Public Health Act, 1936 (which confer power to pass plans, and to enforce building byelaws), as they have in relation to building byelaws; and building regulations shall provide in appropriate cases for the deposit of plans with local authorities, and for the giving of notices to local authorities.

(5) Building regulations may include such supplemental and incidental provisions as appear to the Minister to be expedient.

(6) If a person contravenes or fails to comply with any provision contained in building regulations he shall be liable to a fine not exceeding one hundred pounds and to a further fine not exceeding ten pounds for each day on which the default continues after he is convicted.

(7) The power of making building regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**5.—(1)** Subject to the provisions of this section, for any **Application to building regulations of statutory provisions concerning building byelaws.** reference—

(a) to building byelaws as defined in section three hundred and forty-three of the Public Health Act, 1936, or

(b) to byelaws made under Part II of that Act with respect to buildings, works and fittings,

which occurs in that Act or in any other Act, or in any instrument having effect under any Act, there shall be substituted a reference to building regulations.

(2) Subsection (1) of this section shall not apply to the definition of building byelaws in section one hundred and eighty-nine of the Housing Act, 1957, but in subsection (4) of section twelve, subsection (2) of section twenty-nine and subsection (2)

**PART II** of section fifty-nine of that Act references to building byelaws shall include references to building regulations.

(3) References to building regulations shall be included in any references to byelaws in any of the following enactments, that is to say—

(a) Part XII of the Public Health Act, 1936, except section three hundred and twelve ; and

(b) section seventeen of the Restriction of Ribbon Development Act, 1935 (which authorises a local authority as a condition of approving building plans to require the provision of means of entrance and egress from buildings),

and in subsection (2) of section ninety of the Public Health Act, 1936, for the references to byelaws there shall be substituted references to building regulations.

Relaxation of  
building  
regulations.

6.—(1) Subject to the provisions of this section, if the Minister, on an application made in accordance with the provisions of this Act, considers that the operation of any requirement in building regulations would be unreasonable in relation to the particular case to which the application relates, he may, after consultation with the local authority, give a direction dispensing with or relaxing that requirement.

(2) If building regulations so provide as regards any requirement contained in the regulations, the power to dispense with or relax that requirement under subsection (1) of this section shall be exercisable by the local authority (instead of by the Minister after consultation with the local authority) :

Provided that any building regulations made by virtue of this subsection shall except applications made by local authorities and may except applications of any other description.

(3) Building regulations may provide as regards any requirement contained in the regulations that the foregoing subsections of this section shall not apply.

(4) An application under this section shall be in such form as may be prescribed by building regulations and shall contain such particulars as may be so prescribed.

(5) The application shall be made to the local authority and, except where the power of giving the direction is exercisable by the local authority, the local authority shall at once transmit the application to the Minister and give notice to the applicant that it has been so transmitted.

(6) An application by a local authority shall be made to the Minister.

(7) The provisions of Part I of the First Schedule to this Act shall have effect as regards any application made under this section for a direction which will affect the application of building regulations to work which has been carried out before the making of the application.

(8) Section sixty-three of the Public Health Act, 1936 (which is superseded by this section), shall cease to have effect.

7.—(1) If a local authority refuse an application to dispense with or relax any requirement in building regulations which they have power to dispense with or relax, the applicant may by notice in writing appeal to the Minister within one month from the date on which the local authority notify the applicant of their refusal. **Appeal against refusal by local authority to relax building regulations.**

(2) If within a period of two months beginning with the date of an application, or within such extended period as may at any time be agreed in writing between the applicant and the local authority, the local authority do not notify the applicant of their decision on the application, subsection (1) of this section shall apply in relation to the application as if the local authority had refused the application and notified the applicant of their decision at the end of the said period.

(3) The notice of appeal shall set out the grounds of appeal, and a copy of the notice of appeal shall be sent to the local authority.

(4) The local authority on receiving a copy of the notice of appeal shall at once transmit to the Minister a copy of the application and a copy of all documents furnished by the applicant for the purposes of his application.

(5) The local authority shall at the same time give to the Minister in writing any representations which they desire to make as regards the appeal, and shall send a copy to the appellant.

(6) If the Minister allows the appeal he shall give such directions for dispensing with or relaxing building regulations as may be appropriate.

8.—(1) Subject to the provisions of this section, not less than twenty-one days before the Minister or a local authority give a direction under section six of this Act, the Minister or, as the case may be, the local authority shall publish in a local newspaper circulating in the area where the site of the work in respect of which the application is made is situated a notice— **Advertisement of proposal to relax building regulations.**

(a) indicating the situation and nature of the work and the requirement to be dispensed with or relaxed, and

(b) stating that representations with regard to the effect which the direction may have on public health or safety may be made by a date specified in the notice, being a date not less than twenty-one days from the date of the notice,

and before publication of the notice the Minister or the local authority may, as a condition of entertaining the application, require the applicant to pay or undertake to pay the cost of publication.

**PART II**

(2) If it appears to the Minister or the local authority that any effect which the direction may have on public health or safety will be limited to premises adjoining the site of the works, the Minister or, as the case may be, the local authority need not publish a notice under the foregoing subsection, but in that case shall give such a notice to the owner and occupier of those premises.

(3) No notice need be published or given under this section where the work in respect of which the application is made affects only an internal part of a building.

(4) The Minister may, instead of himself publishing or giving any notice under this section, require the local authority to give or publish the notice.

(5) Before giving the direction the Minister or, as the case may be, the local authority shall consider any representations duly made in pursuance of a notice published or given under this section.

(6) If, after a local authority have received representations under this section, they refuse the application to which the representations relate and an appeal is brought against their refusal, the local authority shall transmit to the Minister copies of those representations.

Consultation  
with Building  
Regulations  
Advisory  
Committee  
and other  
bodies.

**9.**—(1) The Minister shall appoint a committee, to be known as the Building Regulations Advisory Committee, for the purpose of advising the Minister on the exercise of his power to make building regulations, and on other subjects connected with building regulations.

(2) The Minister may pay such expenses incurred by members of the Building Regulations Advisory Committee as he may, with the approval of the Treasury, determine.

(3) Before making any building regulations, the Minister shall consult the Building Regulations Advisory Committee and such other bodies as appear to him to be representative of the interests concerned.

Minor  
amendments.

**10.**—(1) In subsection (2) of section sixty-one of the Public Health Act, 1936 (which as amended by the foregoing provisions of this Act enables building regulations to include provisions as to the giving of notices and deposit of plans), the word "estimates" inserted by section fourteen of the Statistics of Trade Act, 1947, shall cease to have effect, together with subsections (1) and (2) of the said section fourteen.

(2) In subsection (4) of section sixty-four of the Public Health Act, 1936 (which defines the period within which plans must be passed or rejected by the local authority), for the words from "one month" to the end of the subsection there shall be substituted the words "five weeks or such extended period (expiring



not later than two months from the deposit of the plans) as may before the expiration of the five weeks be agreed in writing between the person depositing the plans and the local authority”.

PART II

(3) Section eighteen of the Ancient Monuments Consolidation and Amendment Act, 1913 (which gives power to relax byelaws), shall cease to have effect.

(4) In subsection (1) of section seventy of the Public Health Act, 1936 (which requires local authorities to keep certain information available to the public), for the words from the beginning of the subsection to the words “appended thereto” there shall be substituted the words “Every local authority shall keep at their offices for inspection by the public at all reasonable times free of charge”.

(5) For paragraph (c) of subsection (1) of the said section seventy there shall be substituted the following paragraph—

“(c) in a district in which there is in force a local Act containing provisions which impose any obligation or restriction as to the construction, nature or situation of buildings, a copy of those provisions of the local Act”.

(6) Subsection (3) of section twenty-five and subsection (2) of section sixty-six of the Public Health Act, 1936 (which contain transitional provisions consequent upon the enactment of that Act), shall cease to have effect.

**11.—**(1) The provisions of this Part of this Act as regards building regulations shall have effect subject to the transitional provisions in Part II of the First Schedule to this Act.

Building regulations: transitionals and consequential amendments.

(2) The enactments specified in Part III of the First Schedule to this Act shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this Part of this Act relating to building regulations.

### *Sewers, drains and sanitary conveniences*

**12.—**(1) Where a local authority—

(a) resolve to construct a sewer in a street or part of a street which is a highway maintainable at the public expense, and

(b) include in the resolution a declaration that the construction of the sewer will, in the opinion of the local authority, increase the value of premises fronting the street or that part of the street,

Contribution to cost of sewerage highway.

the provisions of this section shall have effect as respects the recovery by the local authority of payments from the owners of those premises in respect of the construction of the sewer.

(2) A notice of any such resolution shall be published by the local authority in a local newspaper circulating in their district; and the resolution shall come into operation for the purposes of this section on the date of the publication.

**PART II**

(3) This section shall not authorise the recovery of any payment in respect of any sewer if the construction of the sewer is not complete at the expiration of the period of two years beginning with the date on which the resolution concerning the sewer comes into operation.

(4) This section shall not apply to any street or part of a street if at any time before the construction of the sewer there was in that street or part of a street a public sewer into which foul water could be discharged by virtue of section thirty-four of the Public Health Act, 1936 (which relates to the connection of premises with public sewers).

(5) Subject to the provisions of this section, a payment shall be recoverable in respect of any premises fronting the street or part of the street in which the sewer is constructed—

- (a) if a building is erected on those premises after the date on which the resolution comes into operation, and
- (b) if that building is connected with the sewer for the purpose of discharging foul water.

(6) Subject to the provisions of this section, the amount of the payment in respect of any premises shall be one-half of—

- (a) the actual cost per yard of the sewer constructed in the street or part of the street, or
- (b) the estimated cost per yard of a sewer having an internal diameter of nine inches constructed in the street or part of the street at a depth of seven feet,

whichever is the less, multiplied by the extent in yards of the frontage to the street or part of the street of those premises.

(7) If a payment has become recoverable under this section by reference to any length of frontage, no further payment shall be recoverable by reference to that length of frontage.

(8) The local authority may, on the application of the owner of any premises in respect of which a payment is recoverable under this section, remit any part of that payment on the ground that by reason of the extent of the frontage of those premises the amount of the payment is disproportionate to the benefit received by those premises from the construction of the sewer; and if the owner is dissatisfied with the decision of the local authority upon his application, or if the local authority do not within one month of his application give him notice of their decision, he may appeal to a magistrates' court, and that court may direct that any part of the payment be remitted on the said ground.

(9) Where any part of a payment has been remitted under the last foregoing subsection in respect of any premises, subsection (7) of this section shall not apply, but any further

## PART II

payment which may be recoverable by reference to the frontage of those premises shall not exceed the amount remitted, and, for the purposes of this subsection, that amount shall be treated as distributed proportionately over the length of that frontage.

(10) This section shall apply to a sewer whether or not the sewer is constructed in the district of the local authority, but shall not authorise the recovery of any payment in respect of any premises situated outside that district.

(11) If a local authority have entered into any agreement (whether before or after the date on which this section comes into force) for the construction of a sewer for the benefit of any premises, this section shall have effect as respects the recovery of any payment in respect of those premises subject to the terms of that agreement.

(12) The provisions of the Second Schedule to this Act shall have effect in relation to this section.

**13.—(1) Where a local authority—**

- (a) have, after the commencement of this Act, constructed a sewer in any land which has, after the construction of the sewer, been laid out as a street or as part of a street, and
- (b) pass a resolution declaring that the construction of the sewer has, in the opinion of the local authority, increased the value of premises fronting the street or that part of the street,

Contribution to cost of sewer in land subsequently laid out as street.

the provisions of subsections (5) to (9) of the last foregoing section shall have effect as respects the recovery by the local authority of payments from the owners of those premises in respect of the construction of the sewer.

(2) A notice of any such resolution shall be published by the local authority in a local newspaper circulating in their district; and the resolution shall come into operation for the purposes of this section on the date of publication.

(3) Where compensation due to the owner of any land under section two hundred and seventy-eight of the Public Health Act, 1936, in respect of damage sustained by reason of the construction therein of the sewer has been diminished by setting off any sum on account of the enhancement in value of the land by reason aforesaid, no payment shall be recoverable by virtue of this section in respect of any premises forming part of that land.

## PART II

(4) Subsections (10), (11) and (12) of the last foregoing section shall apply to this section.

Evasion of liability to contribute under two last foregoing sections.

**14.**—(1) If on a complaint by a local authority it is shown to the satisfaction of a magistrates' court—

- (a) that any premises which do not front a street or part of a street have by reason of any transfer of land been severed from any other premises which do so front (whether at the time of the transfer or subsequently), and
- (b) that but for the transfer a payment under either of the two last foregoing sections would be recoverable in respect of the premises so severed, and
- (c) that the transfer was intended for the purpose of evading liability to make any such payment,

the court may make an order under this section.

(2) An order under this section may direct that the premises so severed shall be deemed for the purposes of those sections to have a frontage to the street or part of the street of such extent in yards as may be specified in the order.

(3) In this section "transfer" includes any disposal of land whether by way of sale, lease, exchange, gift or otherwise; and references to premises and to fronting shall be construed in the same manner as in the two last foregoing sections.

Recovery of cost of maintaining public sewers.

**15.** In the proviso to subsection (1) of section twenty-four of the Public Health Act, 1936 (under which a local authority must, unless in their opinion immediate action is necessary, give seven days notice of any work for the maintenance of a sewer which is chargeable to owners of premises served by the sewer), for the words

"unless in the opinion of the local authority immediate action is necessary, they"

there shall be substituted the words

"unless the medical officer of health or public health inspector certifies in writing to the local authority that immediate action is necessary, the local authority".

Examination and testing of drains.

**16.** The medical officer of health or public health inspector of a local authority may, as an officer of the local authority, exercise the powers conferred on the local authority by subsection (1) of section forty-eight of the Public Health Act, 1936 (which gives power to examine and test drains), without being empowered to act by the local authority.

**17.—(1)** If it appears to the medical officer of health or public health inspector that on any premises a drain, private sewer, water-closet or soil pipe is stopped up, he may by notice in writing require the owner or occupier of the premises to remedy the defect within forty-eight hours from the service of the notice. **PART II**  
Summary power to remedy stopped-up drains.

(2) If the notice is not complied with, the local authority may themselves carry out the work necessary to remedy the defect and may, subject to the next following subsection, recover the expenses reasonably incurred in so doing from the person on whom the notice was served:

Provided that, where the expenses do not exceed two pounds, the local authority may, if they think fit, remit the payment of the expenses.

(3) In proceedings to recover expenses under this section the court may inquire—

- (a) whether any requirement contained in a notice served under this section was reasonable, and
- (b) whether the said expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings,

and the court may make such order concerning the expenses or their apportionment as appears to the court to be just:

Provided that the court shall not order the expenses or any part of them to be borne by any person other than the defendant in the proceedings unless the court is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard.

(4) The provisions of this section shall be without prejudice to section thirty-nine of the Public Health Act, 1936 (which empowers a local authority to serve notices as regards defective drains).

**18.—(1)** If it appears to a local authority that a drain or private sewer— **Power to repair drains and private sewers.**

- (a) is not sufficiently maintained and kept in good repair, and
- (b) can be sufficiently repaired at a cost not exceeding fifty pounds,

the local authority may, after giving not less than seven days' notice to the person or persons concerned, cause the drain or sewer to be repaired, and, subject to the next following subsection, recover the expenses reasonably incurred in so doing, so far

## PART II

as they do not exceed fifty pounds, from the person or persons concerned, in such proportions, if there is more than one such person, as the local authority may determine:

Provided that, where the expenses do not exceed two pounds, the local authority may, if they think fit, remit the payment of the expenses.

(2) The provisions of subsection (1) of this section shall not authorise a local authority to carry out any works in land which belongs to any statutory undertakers and is held or used by them for the purposes of their undertaking:

Provided that the exemption conferred by this subsection shall not extend to houses, or to buildings used as offices or show-rooms, other than buildings so used which form part of a railway station.

(3) In proceedings to recover expenses under this section the court shall inquire whether the local authority were justified in concluding that the drain or private sewer was not sufficiently maintained and kept in good repair, and, if the court determines that the local authority were not so justified, the local authority shall not recover the expenses or any part of them.

(4) Subject to the provisions of the last foregoing subsection, in proceedings to recover expenses under this section the court may inquire whether any apportionment by the local authority was fair, and the court may make such order concerning the expenses or their apportionment as appears to the court to be just:

Provided that the court shall not revise an apportionment unless it is satisfied that all persons affected thereby have had due notice of the proceedings and an opportunity of being heard.

(5) In this section "person concerned" means, in relation to a drain or private sewer, any person owning any premises drained by means of the drain or sewer and also, in the case of a sewer, the owner of the sewer.

(6) The provisions of this section shall be without prejudice to section thirty-nine of the Public Health Act, 1936.

Disconnection  
of drains.

19.—(1) Where any person—

- (a) reconstructs in the same or a new position a drain which communicates with a sewer or another drain, or
- (b) executes any works to such a drain so as permanently to discontinue its use, or
- (c) executes any works on premises served by such a drain so as permanently to discontinue its use,

he shall cause any drains or parts of drains thereby becoming disused or unnecessary to be disconnected and sealed at such points as the local authority may reasonably require.

## PART II

(2) Any question as to the reasonableness of any requirement of a local authority under this section shall be determined by a magistrates' court and the court may vary the requirement as it thinks fit.

(3) No one shall be required under this section to carry out any work in land outside the premises served by the drain if he has no right to carry out that work, but, subject to the provisions of Part XII of the Public Health Act, 1936, with respect to the breaking open of streets, the person undertaking the reconstruction of the drain or the execution of the works may break open any street for the purpose of complying with any requirement under this section.

(4) Before a person complies with any requirement under this section he shall give at least forty-eight hours notice to the local authority, and a person who fails to comply with this subsection shall be liable to a fine not exceeding five pounds.

(5) A person who knowingly fails to comply with subsection (1) of this section shall be liable to a fine not exceeding five pounds and to a further fine not exceeding twenty shillings for each day on which the default continues after he is convicted.

(6) This section shall not apply in relation to anything done in the course of the demolition of a building, or of part of a building, being a demolition as respects which the local authority have power under section twenty-nine of this Act to serve a notice on the person undertaking the demolition.

**20.**—(1) If a watercloset, drain or soil pipe is so constructed or repaired as to be prejudicial to health or a nuisance, the person who undertook or executed the construction or repair thereof shall, unless he shows that the prejudice to health or nuisance could not have been avoided by the exercise of reasonable care, be liable to a fine not exceeding twenty pounds. Fine for improper construction or repair of water closets or soil pipes.

(2) A person charged with an offence under this section (hereafter in this section referred to as "the original defendant") shall, upon information duly laid by him and on giving to the prosecutor not less than three clear days' notice of his intention, be entitled to have any other person, being his agent or servant, to whose act or default he alleges that the offence was due brought before the court at the time appointed for the hearing of the charge; and—

- (a) if after the commission of the offence has been proved the original defendant proves that the offence was due to the act or default of that other person, that other person may be convicted of the offence, and
- (b) if the original defendant further proves that he used all due diligence to secure that the watercloset, drain or soil pipe in question was so constructed or repaired as not to be prejudicial to health or a nuisance, he shall be acquitted of the offence.

## PART II

(3) Where the original defendant seeks to avail himself of the provisions of subsection (2) of this section—

- (a) the prosecutor as well as the person whom the original defendant charges with the offence shall have the right to cross-examine the original defendant, if he gives evidence, and any witness called by him in support of his pleas, and to call rebutting evidence, and
- (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.

Closest accommodation for separate dwellings.

**21.**—(1) In subsection (1) of section forty-four of the Public Health Act, 1936 (paragraph (a) of which relates to the sufficiency of closet accommodation in buildings), after the said paragraph (a) there shall be added the following paragraph—

“(aa) that any part of a building, being a part which is occupied as a separate dwelling, is without sufficient closet accommodation ; or ”

(2) Among the grounds on which an appeal may be brought under subsection (3) of section two hundred and ninety of the said Act against a notice under the said subsection (1) as amended by this section shall be—

- (a) that the need for the works to be executed under the notice would not, in whole or in part, arise but for the occupation of part of the building as a separate dwelling, and that the occupation of that part as a separate dwelling is a matter in respect of which the appellant has a cause of action, and
- (b) that the person against whom the appellant has a cause of action ought to contribute towards the expenses of executing the works.

(3) Where the grounds on which an appeal under the said section two hundred and ninety is brought include the ground specified in subsection (2) of this section, the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and on the hearing of the appeal the court may make such order as it thinks fit with respect to the contribution to be made by any such person towards the cost of the works, or as to the proportion in which any expenses which may be recoverable by the local authority are to be borne by the appellant and any such other person.

Power to cleanse or repair drains.

**22.** A local authority may, on the application of the owner or occupier of any premises, undertake the cleansing or repair of any drains, waterclosets, sinks or gullies in or connected with the premises, and may recover from the applicant such reasonable charge, if any, for so doing as they think fit.



**23.**—(1) A local authority may, at the request of the occupier of any premises connected with a cesspool, sewer or drain on which any work of maintenance, improvement or repair necessitates the disconnection of the water-closets or other sanitary conveniences provided for or in connection with the premises is to be carried out—

**PART II**  
Loan of  
temporary  
sanitary  
conveniences.

(a) by a local authority, or

(b) in pursuance of section thirty-nine of the Public Health Act, 1936, by the owner or occupier of the premises, supply on loan temporary sanitary conveniences in substitution for any waterclosets or other sanitary conveniences so disconnected.

(2) Subject to the following provisions of this section, the local authority may make reasonable charges for supplying, removing and cleansing any temporary sanitary conveniences lent under this section for more than seven days:

Provided that the local authority may not make charges for the use of the temporary sanitary conveniences for the first seven days.

(3) No charge may be made under subsection (2) of this section where the work is made necessary by a defect in a public sewer vested in and maintainable by the local authority (not being a length of sewer to which subsection (4) of this section applies).

(4) Where the work is made necessary—

(a) by a defect in any length of a public sewer of a kind described in subsection (4) of section twenty-four of the Public Health Act, 1936 (which relates to sewers for the maintenance of which a local authority may make the owners of the premises served by the sewers pay), or

(b) by a defect in any cesspool, private sewer or drain in respect of which the local authority have served a notice under section thirty-nine of the said Act,

no charge may be made under subsection (2) of this section but, if the temporary sanitary conveniences are provided for a period of more than seven days, the reasonable expenses of supplying, removing and cleansing them shall be recoverable from the owner of the premises:

Provided that the local authority may not recover charges for the use of the temporary sanitary conveniences for the first seven days.

(5) In proceedings to recover expenses under the last foregoing subsection the court may inquire whether the said expenses ought to be borne wholly or in part by some person other than

## PART II

the defendant in the proceedings, and the court may make such order concerning the expenses or their apportionment as appears to the court to be just:

Provided that the court shall not order the expenses or any part of them to be borne by any person other than the defendant in the proceedings unless the court is satisfied that that other person has had notice of the proceedings and an opportunity of being heard.

*Buildings and structures*

Section 58 of Public Health Act, 1936, to apply to buildings constituting a danger to persons in streets.

**24.**—(1) Subsection (1) of section fifty-eight of the Public Health Act, 1936 (which empowers a local authority to deal with any building which is dangerous to those in the building or on any adjoining premises), shall also apply to any building which is dangerous to persons in a street and accordingly in paragraph (a) of that subsection the words from “to persons in the building” to “adjoining premises” shall cease to have effect.

(2) Subsections (1) and (2) of section one hundred and forty-five of the Highways Act, 1959 (which, as regards buildings dangerous to those using streets, gives local authorities a power corresponding to that in section fifty-eight of the Public Health Act, 1936), shall cease to have effect.

Emergency measures to deal with dangerous buildings.

**25.**—(1) If it appears to a local authority that a building or structure, or part of a building or structure, is in such a state, or is used to carry such loads, as to be dangerous and that immediate action should be taken to remove the danger, they may take such steps as may be necessary for that purpose.

(2) Before exercising their powers under this section the local authority shall, if it is reasonably practicable to do so, give notice of their intention to the owner and occupier of the building, or of the premises on which the structure is situated.

(3) Subject to the provisions of this section, the local authority may recover from the owner the expenses reasonably incurred by them under this section.

(4) So far as expenses incurred by the local authority under this section consist of expenses of fencing off the building or structure, or arranging for it to be watched, the expenses shall not be recoverable in respect of any period—

(a) after the danger has been removed by other steps under this section, or

(b) after an order made under section fifty-eight of the Public Health Act, 1936, for the purpose of its removal has been complied with or has been executed as mentioned in subsection (2) of that section.

(5) In proceedings to recover expenses under this section the court shall inquire whether the local authority might reasonably have proceeded instead under subsection (1) of the said

## PART II

section fifty-eight, and, if the court determines that the local authority might reasonably have proceeded instead under the said subsection (1), the local authority shall not recover the expenses or any part of them.

(6) Subject to the provisions of the last foregoing subsection, in proceedings to recover expenses under this section the court may inquire whether the expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings, and the court may make such order concerning the expenses or their apportionment as appears to the court to be just:

Provided that the court shall not order the expenses or any part of them to be borne by any person other than the defendant in the proceedings unless the court is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard.

(7) Where in consequence of the exercise of the powers conferred by this section the owner or occupier of any premises sustains damage but subsection (1) of section two hundred and seventy-eight of the Public Health Act, 1936, does not apply because the owner or occupier has been in default, the owner or occupier may apply to a magistrates' court to determine whether the local authority were justified in exercising their powers under this section so as to occasion the damage sustained; and, if the court determines that the local authority were not so justified, the owner or occupier shall be entitled to compensation, and subsection (2) of section two hundred and seventy-eight of the Public Health Act, 1936, shall apply in relation to any dispute as regards compensation arising under this subsection.

(8) The surveyor of a local authority may, as an officer of the local authority, exercise the powers conferred on the local authority by subsection (1) of this section without being empowered to act by the local authority.

(9) The foregoing provisions of this section shall not apply to any premises forming part of a mine or quarry within the meaning of the Mines and Quarries Act, 1954.

(10) Subsection (3) of section fifty-eight of the Public Health Act, 1936, and subsection (3) of section one hundred and forty-five of the Highways Act, 1959, shall cease to have effect.

26.—(1) If it appears to a local authority that—

- (a) any premises are in such a state (in this section referred to as a "defective state") as to be prejudicial to health or a nuisance, and
- (b) unreasonable delay in remedying the defective state would be occasioned by following the procedure prescribed by sections ninety-three to ninety-five of the Public Health Act, 1936,

Defective premises.

**PART II**

the local authority may serve on the person on whom it would have been appropriate to serve an abatement notice under the said section ninety-three (if the local authority had proceeded under that section) a notice stating that the local authority intend to remedy the defective state and specifying the defects which they intend to remedy.

(2) Subject to the next following subsection, the local authority may, after the expiration of nine days after service of a notice under the foregoing subsection, execute such works as may be necessary to remedy the defective state and may recover the expenses reasonably incurred in so doing from the person on whom the notice was served.

(3) If, within seven days after service of a notice under subsection (1) of this section, the person on whom the notice was served serves a counter-notice that he intends to remedy the defects specified in the first-mentioned notice, the local authority shall take no action in pursuance of the first-mentioned notice unless the person who served the counter-notice either—

- (a) fails within what seems to the local authority a reasonable time to begin to execute works to remedy the said defects, or
- (b) having begun to execute such works fails to make such progress towards their completion as seems to the local authority reasonable.

(4) In proceedings to recover expenses under this section the court—

- (a) shall inquire whether the local authority were justified in concluding that the premises were in a defective state, or that unreasonable delay in remedying the defective state would have been occasioned by following the procedure prescribed by sections ninety-three to ninety-six of the Public Health Act, 1936, and
- (b) if the defendant proves that he served a counter-notice under subsection (3) of this section, shall inquire whether the defendant failed to begin the works to remedy the defects within a reasonable time, or failed to make reasonable progress towards their completion,

and if the court determines—

- (i) that the local authority were not justified in either of the conclusions mentioned in paragraph (a) of this subsection, or
- (ii) that there was no failure under paragraph (b) of this subsection,

the local authority shall not recover the expenses or any part of them.

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(5) Subject to the provisions of the last foregoing subsection, in proceedings to recover expenses under this section the court may inquire whether the said expenses ought to be borne wholly or in part by some person other than the defendant in the proceedings, and the court may make such order concerning the expenses or their apportionment as appears to the court to be just:

Provided that the court shall not order the expenses or any part of them to be borne by any person other than the defendant in the proceedings unless the court is satisfied that that other person has had due notice of the proceedings and an opportunity of being heard.

(6) A local authority shall not serve a notice under this section, or proceed with the execution of works in accordance with a notice so served, if the execution of the works would, to their knowledge, be in contravention of a building preservation order under section twenty-nine of the Town and Country Planning Act, 1947.

(7) The power conferred on a local authority by subsection (1) of this section may be exercised notwithstanding that the local authority might instead have proceeded under section nine of the Housing Act, 1957.

**27.**—(1) If it appears to a local authority that a building or structure is by reason of its ruinous or dilapidated condition seriously detrimental to the amenities of the neighbourhood, the local authority may by notice require the owner thereof—

Ruinous and dilapidated buildings and neglected sites.

- (a) to execute such works of repair or restoration, or
- (b) if he so elects, to take such steps for demolishing the building or structure, or any part thereof, and removing any rubbish or other material resulting from or exposed by the demolition,

as may be necessary in the interests of amenity.

(2) If it appears to a local authority that rubbish or other material resulting from, or exposed by, the demolition or collapse of a building or structure is lying on the site or on any adjoining land, and that by reason thereof the site or land is in such a condition as to be seriously detrimental to the amenities of the neighbourhood, the local authority may by notice require the owner of the site or land to take such steps for removing the rubbish or material as may be necessary in the interests of amenity.

(3) The provisions of Part XII of the Public Health Act, 1936, with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any

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**PART II** notice given under this section, and in the application of section two hundred and ninety of that Act to a notice given under subsection (1) of this section—

(a) subsection (2) shall be construed as requiring the notice to indicate both the nature of the works of repair or restoration and the works of demolition and removal of rubbish or material, and

(b) subsection (6) shall be construed as authorising the local authority to execute, subject to the provisions of that subsection, at their election either the works of repair or restoration, or the works of demolition and removal of rubbish or material.

(4) The foregoing provisions of this section shall not apply to any advertisement as defined in subsection (1) of section one hundred and nineteen of the Town and Country Planning Act, 1947.

(5) Paragraph (b) of subsection (1) of section fifty-eight of the Public Health Act, 1936, shall cease to have effect except as regards proceedings instituted under that paragraph before the commencement of this Act.

**New building  
overreaching  
adjacent  
chimneys.**

**28.—(1) Where after the commencement of this Act—**

(a) any person erects or raises a building (in this section referred to as the “taller building”) to a greater height than an adjoining building, and

(b) any chimneys or flues of an adjoining building are in a party wall between the two buildings or are six feet or less from the nearest part of the taller building,

the local authority may by notice—

(i) require that person, within such time as may be specified in the notice, to build up those chimneys and flues, if it is reasonably practicable so to do, so that the top thereof will be of the same height as the top of the chimneys of the taller building or the top of the taller building, whichever is the higher, and

(ii) require the owner or occupier of the adjoining building to allow the first-mentioned person to enter on that building and carry out such work as may be necessary to comply with the notice served on him:

Provided that, if the said owner or occupier, within fourteen days from the date of service of the notice on him, serves on the first-mentioned person and on the local authority a notice (in this section referred to as a “counter-notice”) that he elects to carry out the work himself, the owner or occupier shall comply with the notice served under paragraph (i) of this subsection instead of the first-mentioned person and may recover the expenses reasonably incurred in so doing from that person.

(2) Any person on whom a notice is served under paragraph (i) or paragraph (ii) of the foregoing subsection may appeal to a magistrates' court.

(3) If—

- (a) any person on whom a notice is served under paragraph (i) of subsection (1) of this section fails to comply with the notice, except in a case where the owner or occupier of an adjoining building has refused to allow entry on that building, or has refused to allow the carrying out of any such work as may be necessary to comply with the notice, or has served a counter-notice, or
- (b) any person on whom a notice is served under paragraph (ii) of subsection (1) of this section fails to comply with the notice or, having served a counter-notice, fails to comply with the notice served under paragraph (i) of that subsection,

he shall be liable to a fine not exceeding twenty pounds; and the local authority may themselves carry out such work as may be necessary to comply with the notice served under the said paragraph (i), and recover the expenses reasonably incurred in so doing from the person on whom that notice was served.

**29.**—(1) Subject to the provisions of this section, a local authority may serve a notice under this section on any person who undertakes the demolition of the whole or of part of a building.

**Powers of local authority in relation to demolitions.**

(2) Subsection (1) of this section shall not apply to the demolition—

- (a) of an internal part of a building where the building is occupied, and it is intended that it should continue to be occupied, or
- (b) of a building which has a cubic content (as ascertained by external measurement) of not more than one thousand seven hundred and fifty cubic feet, or, where a greenhouse, conservatory, shed or prefabricated garage forms part of a larger building, of that greenhouse, conservatory, shed or prefabricated garage, or
- (c) without prejudice to the last foregoing paragraph, of an agricultural building (as defined in section two of the Rating and Valuation (Apportionment) Act, 1928) unless it is contiguous to another building which is not itself of a kind mentioned in this or the last foregoing paragraph.

(3) No person shall undertake a demolition to which subsection (1) of this section applies unless a notice specifying the building and the works of demolition intended to be carried

**PART II** out has been given to the local authority ; and a person contravening this subsection shall be liable to a fine not exceeding five pounds :

Provided that notice need not be given under this subsection of a demolition undertaken to comply with any requirement contained in—

- (a) a notice, order or other instrument issued by, or on the application of, the local authority in pursuance of any power conferred by or under an Act of Parliament, or
- (b) an injunction or other direction given in legal proceedings brought by the local authority,

except where compliance with the requirement is effected, at the election of the person complying with it, either by undertaking the demolition or by taking some other steps.

(4) The time within which a notice may be served under subsection (1) of this section shall be—

- (a) where a notice was given under subsection (3) of this section, within six weeks from the giving of that notice, or such longer period as the person undertaking the demolition may in writing allow, and
- (b) in the case of a demolition undertaken to comply with a requirement contained in a demolition order or clearance order under the Housing Act, 1957, at any time not more than seven days after serving on the person undertaking the demolition a copy of the demolition order or clearance order in accordance with that Act, or within such longer period as the person undertaking the demolition may in writing allow, and
- (c) in any other case, within six weeks from the beginning of the demolition.

(5) A notice under subsection (1) of this section may require the person undertaking the demolition to take action under all or any of the following paragraphs, that is to say—

- (a) to shore up adjacent buildings,
- (b) to weatherproof any surfaces of an adjacent building which are exposed by the demolition,
- (c) to remove material or rubbish resulting from the demolition and clearance of the site,
- (d) to disconnect and seal, at such points as the local authority may reasonably require, any sewer, drain or water pipe in or under the building to be demolished,
- (e) to remove any such sewer, drain or water pipe and seal any sewer, drain or water pipe with which the sewer, drain or pipe to be removed is connected, and
- (f) to make good to the satisfaction of the local authority the surface of the ground disturbed by anything done under paragraph (d) or paragraph (e) of this subsection.



## PART II

(6) No one shall be required under paragraph (d) or paragraph (e) of subsection (5) of this section to carry out any work in land outside the premises on which the works of demolition are being carried out if he has no right to carry out that work, but, subject to the provisions of Part XII of the Public Health Act, 1936, with respect to the breaking open of streets, the person undertaking the demolition, or the local authority acting in his default, may break open any street for the purpose of complying with any such requirement.

(7) Nothing in subsection (5) of this section shall be construed as exempting any person from the obligation to obtain any consent required under section sixty-eight of the Third Schedule to the Water Act, 1945 (which relates to alterations in supply pipes and other apparatus), or under any similar enactment.

(8) Before a person complies with any requirement under paragraph (d) or paragraph (e) of subsection (5) of this section he shall give at least forty-eight hours notice to the local authority, and before he complies with paragraph (f) of that subsection, he shall give at least twenty-four hours notice to the local authority; and a person who fails to comply with this subsection shall be liable to a fine not exceeding five pounds.

(9) The provisions of Part XII of the Public Health Act, 1936, with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under subsection (1) of this section.

(10) Among the grounds on which an appeal may be brought under subsection (3) of section two hundred and ninety of the Public Health Act, 1936, against a notice under subsection (1) of this section shall be—

- (a) in the case of a notice requiring an adjacent building to be shored up, that the owner of the building is not entitled to the support of that building by the building which is being demolished, and ought to pay, or contribute towards, the expenses of shoring it up, and
- (b) in the case of a notice requiring any surfaces of an adjacent building to be weatherproofed, that the owner of the adjacent building ought to pay, or contribute towards, the expenses of weatherproofing those surfaces.

(11) Where the grounds on which an appeal under the said section two hundred and ninety is brought include any ground specified in the last foregoing subsection, the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and on the hearing of the appeal the court may make such order as it thinks fit in respect of the payment of, or contribution towards, the cost of the works by any such person, or as to how any expenses which

## PART II

may be recoverable by the local authority are to be borne as between the appellant and any such other person.

(12) This section shall not apply to a demolition begun before the commencement of this Act.

Cellars and  
rooms below  
subsoil water  
level.

**30.**—(1) No person shall without the consent of the local authority construct any cellar or room in, or as part of, a house, shop, inn, hotel or office if the floor level of the cellar or room is lower than the ordinary level of the subsoil water on, under or adjacent to the site of the house, shop, inn, hotel or office.

(2) A consent under this section may be given subject to such conditions as to the construction or use of the premises as may be specified therein; and conditions specified therein shall be binding on successive owners of the house, shop, inn, hotel or office.

(3) If a local authority refuse an application for consent under this section or attach any conditions to a consent under this section the person applying for the consent may appeal to a magistrates' court against their refusal or, as the case may be, against any such condition; and if a magistrates' court allow an appeal against a refusal to grant a consent they may direct the local authority to give their consent subject to such conditions, if any, as appear to the court to be appropriate.

(4) An application may be made at any time to the local authority for the variation or withdrawal of any condition attached to a consent under this section, and, if the local authority refuse the application, the applicant may appeal to a magistrates' court.

(5) If any person constructs a cellar or room in contravention of subsection (1) of this section, or of any condition attached to a consent under this section—

(a) he shall be liable to a fine not exceeding twenty pounds; and

(b) the local authority may by notice require him either to alter the cellar or room so that its construction will no longer contravene the said subsection or condition or, if he so elects, to fill it in or otherwise make it unusable.

(6) The provisions of Part XII of the Public Health Act, 1936, with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under the last foregoing subsection, and in the application of section two hundred and ninety of that Act to such a notice—

(a) subsection (2) shall be construed as requiring the notice to indicate both the nature of the works of alteration and the works for making the cellar or room unusable, and

## PART II

(b) subsection (6) shall be construed as authorising the local authority to execute, subject to the provisions of that subsection, at their election either the works of alteration or the works for making the cellar or room unusable.

(7) If the owner for the time being of the house, shop, inn, hotel or office causes or permits a cellar or room forming part of it to be used in a manner which he knows to be in contravention of any condition attached to a consent under this section he shall be liable to a fine not exceeding twenty pounds.

(8) Subsection (1) of this section shall not apply to the construction of a cellar or room carried out in accordance with plans deposited on an application under the Licensing Act, 1953, to licensing justices on which they made a provisional grant of a justices' licence for the premises of which the cellar or room forms part, or made a provisional grant of a removal of a justices' licence to those premises.

(9) Nothing in this section shall apply to the construction of any cellar or room in connection with a shop, inn, hotel or office which forms part of a railway station.

**31.—(1) Where plans—**

(a) for the erection of a house, or of a building part of which is intended to be occupied as a separate dwelling, or

Food storage accommodation in new houses.

(b) of any works involving the conversion of a building into a house or into separate dwellings, or the conversion of part of a building into a separate dwelling, have been deposited with a local authority in pursuance of building byelaws or building regulations, the local authority may, subject to the provisions of this section, reject the plans if they do not show that the house, or, as the case may be, each separate dwelling, will be provided with sufficient and suitable accommodation for the storage of food, or sufficient and suitable space for the provision of such accommodation by the occupier.

(2) If the local authority reject the plans under this section, the person by whom the plans were deposited may appeal to a magistrates' court, and if the magistrates' court allow the appeal they shall direct the local authority to allow the plans under this section.

**32.—(1) If it appears to a local authority that any house, or any part of a building which is occupied as a separate dwelling, is without sufficient and suitable accommodation for the storage of food, the local authority may by notice require the owner of the house or building to provide the house or building with sufficient and suitable accommodation for that purpose.**

Food storage accommodation in existing houses.

**PART II**

(2) The provisions of Part XII of the Public Health Act, 1936, with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under this section.

(3) Among the grounds on which an appeal may be brought under subsection (3) of section two hundred and ninety of the Public Health Act, 1936, against a notice under this section shall be that it is not reasonably practicable to comply with the notice.

(4) Among the grounds on which an appeal may be brought under subsection (3) of section two hundred and ninety of the Public Health Act, 1936, against a notice under this section shall be—

- (a) that the need for the works to be executed under the notice would not, in whole or in part, arise but for the occupation of part of the building as a separate dwelling, and that the occupation of that part as a separate dwelling is a matter in respect of which the appellant has a cause of action, and
- (b) that the person against whom the appellant has a cause of action ought to contribute towards the expenses of executing the works.

(5) Where the grounds on which an appeal under the said section two hundred and ninety is brought include the ground specified in subsection (4) of this section, the appellant shall serve a copy of his notice of appeal on the person or persons referred to in that ground of appeal, and on the hearing of the appeal the court may make such order as it thinks fit with respect to the contribution to be made by any such person towards the cost of the works, or as to the proportion in which any expenses which may be recoverable by the local authority are to be borne by the appellant and any such other person.

**Provision of  
bathrooms.**

**33.—**(1) Where plans—

- (a) for the erection of a house, or of a building part of which is intended to be occupied as a separate dwelling, or
- (b) of any works involving the conversion of a building into a house or into separate dwellings, or the conversion of part of a building into a separate dwelling,

have been deposited with a local authority in pursuance of building byelaws or building regulations, the local authority may, subject to the provisions of this section, reject the plans if they do not show that the house, or as the case may be, each separate dwelling, will be provided with a bathroom containing either a fixed bath or a shower bath, and a suitable installation for the provision of hot and cold water to the bath or shower bath.

(2) If the local authority reject the plans under this section, the person by whom the plans were deposited may appeal to a magistrates' court, and if the magistrates' court allow the appeal they shall direct the local authority to allow the plans under this section.

PART II

*Accumulations of rubbish*

34.—(1) If it appears to a local authority that there is on any vacant site in a built-up area an accumulation of rubbish which is seriously detrimental to the amenities of the neighbourhood, the local authority may, subject to the provisions of this section, take such steps for removing the rubbish as they may consider necessary in the interests of amenity.

Accumulations  
of rubbish.

(2) Not less than twenty-eight days before taking any action under this section, the local authority shall serve on the owner and occupier of the site a notice stating the steps which they propose to take and giving particulars of the following provisions of this subsection; and a person on whom the notice is served and any other person having an interest in the land may within twenty-eight days from the service of the notice—

- (a) serve a counter-notice on the local authority stating that he intends to take those steps himself; or
- (b) appeal to a magistrates' court on the ground that the local authority were not justified in concluding that action should be taken under this section, or that the steps proposed to be taken are unreasonable.

(3) If a counter-notice is served under the last foregoing subsection, the local authority shall take no further action in the matter under this section unless the person who served the counter-notice either—

- (a) fails within what seems to the local authority a reasonable time to begin to take the steps stated in the notice, or
- (b) having begun to take those steps fails to make such progress towards their completion as seems to the local authority reasonable.

(4) If an appeal is brought under subsection (2) of this section, the local authority shall take no further action in the matter under this section until the appeal is finally determined or withdrawn; and on the hearing of the appeal the court may direct the local authority to take no further action or may permit the local authority to take such steps as the court may direct or may dismiss the appeal.

(5) In this section "rubbish" means rubble, waste paper, crockery and metal, and any other kind of refuse (including organic matter), but does not include any material accumulated for, or in the course of, any business.

## PART II

*Filthy or verminous premises or articles*

Filthy or  
verminous  
premises.

**35.**—(1) Section eighty-three of the Public Health Act, 1936 (which relates to the cleansing of filthy or verminous premises), shall be amended as follows.

(2) For subsection (1) of the said section eighty-three there shall be substituted the following subsections—

“ (1) Where a local authority, upon consideration of a report from any of their officers, or other information in their possession, are satisfied that any premises—

(a) are in such a filthy or unwholesome condition as to be prejudicial to health, or

(b) are verminous,

the local authority shall give notice to the owner or occupier of the premises requiring him to take such steps as may be specified in the notice to remedy the condition of the premises by cleansing and disinfecting them, and the notice may require among other things the removal of wallpaper or other covering of the walls, or, in the case of verminous premises, the taking of such steps as may be necessary for destroying or removing vermin.

(1A) A notice under the foregoing subsection may require—

(a) the interior surface of premises used for human habitation or as shops or offices to be papered, painted or distempered, and

(b) the interior surface of any other premises to be painted, distempered or whitewashed,

and shall allow the person on whom the notice is served, or the local authority acting in his default, to choose, in a case under paragraph (a) of this subsection, between papering, painting and distempering and, in a case under paragraph (b) of this subsection, between painting, distempering and whitewashing.”

(3) At the end of the said section eighty-three there shall be added the following subsection—

“ (4) This section shall not apply to any premises forming part of a factory or of a mine or quarry within the meaning of the Mines and Quarries Act, 1954.”

(4) This section shall not affect any notice given under the said section eighty-three before the commencement of this Act.

Power to  
require  
vacation of  
premises  
during  
fumigation.

**36.**—(1) If a local authority serve a notice under subsection (3) of section eighty-three of the Public Health Act, 1936, as amended by the last foregoing section, on the owner and occupier of any premises requiring that they shall be allowed to employ gas for the purpose of destroying vermin on the premises—

**PART II**

- (a) the notice to the occupier may also require that the premises shall, as from such date as may be specified in the notice, be vacated until the local authority give the occupier further notice that the premises can safely be reoccupied ; and
- (b) the local authority may also serve notice on the occupiers of any other premises having any floor, wall or ceiling contiguous with the first-mentioned premises, or into which there is reason to apprehend that the gas may penetrate, requiring that those other premises shall be vacated as aforesaid.

(2) No person shall be required under this section to vacate any premises used for human habitation for any period unless alternative shelter or other accommodation has been provided for him by the local authority free of charge for that period ; and any notice given under this section shall specify the alternative shelter or other accommodation so provided.

(3) A person on whom a notice is served under this section may within the period of seven days from the date on which the notice was served on him appeal to a magistrates' court, and the requirements included in the notice in pursuance of this section shall not take effect until the expiration of that period or, where an appeal is brought within that period, before the appeal is disposed of or withdrawn.

The provisions of this subsection as to the period within which an appeal shall be brought shall have effect notwithstanding anything in subsection (2) of section three hundred of the Public Health Act, 1936, as applied to this Part of this Act.

(4) So much of subsection (2) of the said section eighty-three as imposes a penalty for failure to comply with the requirements of a notice under that section shall also apply to the requirements included in the notice by virtue of this section.

(5) The local authority shall defray any reasonable expenses incurred in removing from and returning to any premises in compliance with a notice served under paragraph (b) of subsection (1) of this section, and may, if they think fit, defray any such expenses incurred in compliance with a notice under paragraph (a) of that subsection.

**37.—(1) No dealer shall—**

- (a) prepare for sale, or
- (b) sell or offer or expose for sale, or
- (c) deposit with any person for sale or preparation for sale,

any household article if it is to his knowledge verminous, or if by taking reasonable precautions he could have known it to be verminous.

**Prohibition  
of sale of  
verminous  
articles.**

## PART II

(2) If a household article which is verminous is on any premises—

- (a) being prepared by a dealer for sale, or
- (b) offered or exposed by a dealer for sale, or
- (c) deposited by a dealer with any person for sale or preparation for sale,

the medical officer of health or public health inspector may cause the article to be disinfested or destroyed as the case may require, and if necessary for that purpose to be removed from the premises; and the local authority may recover from the dealer the expenses reasonably incurred by the local authority in taking any action under this subsection.

(3) If any person contravenes the provisions of subsection (1) of this section he shall be liable to a fine not exceeding twenty pounds.

(4) In this section—

- (a) “dealer” means a person who trades or deals in any household articles;
- (b) “household article” means an article of furniture, bedding or clothing or any similar article;
- (c) references to preparation for sale do not include references to disinfestation.

## PART III

## PREVENTION AND NOTIFICATION OF DISEASE

Power of justice to order a medical examination.

38.—(1) If a justice of the peace (acting, if he deems it necessary, *ex parte*) is satisfied, on a written certificate issued by the medical officer of health for any district—

- (a) that there is reason to believe that some person in the district is or has been suffering from a notifiable disease, and
- (b) that in his own interest, or in the interest of his family, or in the public interest, it is expedient that he should be medically examined, and
- (c) that he is not under the treatment of a registered medical practitioner or that the registered medical practitioner who is treating him consents to the making of an order under this section,

the justice may order him to be medically examined by the medical officer of health, or by a registered medical practitioner nominated by the medical officer of health.

(2) An order under this section may be combined with a warrant under subsection (2) of section two hundred and eighty-seven of the Public Health Act, 1936, authorising the medical officer of health to enter any premises.



**39.**—(1) On the application of the medical officer of health for any district the occupier of any premises in the district in which there is or has been any person suffering from a notifiable disease or food poisoning shall furnish such information within his knowledge as that officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease or, as the case may be, to trace the source of food poisoning.

**PART III**  
Information to be furnished by occupier in case of notifiable disease or food poisoning.

(2) If any person required to furnish information under this section fails to furnish it, or knowingly furnishes false information, he shall be liable to a fine not exceeding five pounds.

(3) In this section “occupier”, in relation to any premises, includes—

- (a) a person having the charge, management or control of the premises, or of a building of which the premises form part, and
- (b) in the case of premises consisting of a building the whole of which is ordinarily let out in separate tenements, or of a lodging house the whole of which is ordinarily let to lodgers, the person receiving the rent payable by the tenants or by the lodgers, as the case may be, either on his own account or as the agent of another person.

**40.**—(1) This section applies—

- (a) to any theatre, including a cinematograph theatre, and any building used as a public hall, public concert-room or lecture room, public dance room or public gymnasium or indoor swimming baths, and
- (b) to any sports ground, outdoor swimming baths, outdoor swimming pool, or skating or roller skating rink, to which the public are admitted, either on payment of a charge for admission or not, and
- (c) to any circus, show, fair, fête, amusement arcade or other public place of entertainment which is not in a building.

Exclusion of children from places of entertainment or assembly.

(2) With a view to preventing the spread of a notifiable disease, a local authority on the advice of their medical officer of health may, by notice published in such manner as they think best for bringing it to the notice of persons concerned, prohibit or restrict the admission of persons under the prescribed age to any place to which this section applies for a time specified in the notice.

(3) A notice under this section may contain exemptions from the prohibitions or restrictions which it imposes, and any such exemption may be made subject to compliance with such conditions as may be specified in the notice.

(4) A notice under this section may be expressed to apply to particular premises, or parts of premises, designated in the

**PART III** notice, or to part only of the district of the local authority, but, save as otherwise provided in the notice, the notice shall apply throughout the district of the local authority.

(5) If the person responsible for the management of some place to which this section applies, having been served by the local authority with a copy of a notice published under this section, admits any person under the prescribed age to that place in contravention of the notice, or fails to comply with any condition specified in the notice, he shall be liable to a fine not exceeding ten pounds:

Provided that in any proceedings under this subsection it shall be a defence to prove that there were reasonable grounds for believing that the person admitted had attained the prescribed age.

(6) In this section "prescribed age" in relation to a notice means such age, not exceeding sixteen, as may be prescribed by the notice.

Compensation  
for stopping  
employment to  
prevent spread  
of disease.

**41.**—(1) With a view to preventing the spread of—

(a) a notifiable disease, or

(b) a disease to which subsection (1) of section twenty-three of the Food and Drugs Act, 1955, applies,

the medical officer of health for any district may by notice in writing request any person to discontinue his work.

(2) The local authority shall compensate a person who has suffered any loss in complying with a request under this section and subsection (2) of section two hundred and seventy-eight of the Public Health Act, 1936, shall apply in relation to any dispute arising under this subsection.

Inducements  
to children  
offered by  
dealers in rags  
and old  
clothes.

**42.** Section one hundred and fifty-four of the Public Health Act, 1936 (which makes it an offence for a dealer in rags or old clothes to sell or deliver any article to a person under fourteen years), shall apply in relation to the sale or delivery to a person under that age of any animal, fish, bird or other living thing as it applies in relation to the sale or delivery to such a person of any article.

## PART IV

### STREETS AND PUBLIC PLACES

#### *Streets*

Guard rails in  
private streets.

**43.**—(1) Subject to the provisions of this section, in any street which is not a highway maintainable at the public expense and which consists of or comprises a carriageway a local authority may provide and maintain such pillars, rails or fences as they think necessary for the purpose of safeguarding persons using the street.

(2) The power conferred by the foregoing subsection to provide any works shall include power to alter or remove them.

(3) The Third Schedule to this Act (which makes it necessary to obtain certain consents before carrying out work in streets) shall apply to the powers conferred on local authorities by this section.

(4) A local authority shall pay compensation to any person who sustains damage by reason of the execution by them of works under this section, and sections two hundred and sixty-seven and two hundred and sixty-eight of the Highways Act, 1959 (which relate to compensation), shall apply as if this section were contained in that Act.

**44.**—(1) Subject to the provisions of this section, for the purpose of securing public order or public safety or preventing congestion of traffic a local authority may, in any case of emergency or on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed, cause barriers to be erected in any street and kept in position for so long as may be necessary for that purpose. Barriers in streets.

(2) For the purpose of erecting barriers in a street under this section the local authority may provide and maintain sockets or slots in or under the surface of the street.

(3) A local authority shall not exercise the powers conferred by this section in such a way as to deprive pedestrians of reasonable access to any premises.

(4) The Third Schedule to this Act shall apply to the powers conferred on local authorities by this section.

(5) If a person wilfully removes or damages a barrier, socket or slot erected or provided under this section, he shall be liable on summary conviction to a fine not exceeding five pounds.

**45.**—(1) Subject to the provisions of this section, a county council, local authority or parish council or parish meeting (hereafter in this section referred to as a "street lighting authority") may affix to any building such lamps, brackets, pipes, electric lines and apparatus (hereafter in this section referred to as "attachments") as may be required for the purposes of street lighting. Attachment of street lamps to buildings.

(2) A street lighting authority shall not under this section affix attachments to a building without the consent of the owner of the building:

Provided that, where in the opinion of the street lighting authority any consent required under this subsection is unreasonably withheld, they may apply to the appropriate authority, who may either allow the attachments subject to such conditions, if any, as to rent or otherwise as the appropriate authority thinks fit, or disallow the attachments.

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(3) Where any attachments have been affixed to a building under this section and the person who gave his consent under subsection (2) of this section, or who was the owner of the building when the attachments were allowed by the appropriate authority, ceases to be the owner of the building, the subsequent owner may give to the street lighting authority notice requiring them to remove the attachments; and, subject to the provisions of this subsection, the street lighting authority shall comply with the requirements within three months after the service of the notice:

Provided that, where in the opinion of the street lighting authority any such requirement is unreasonable, they may apply to the appropriate authority, who may either annul the notice subject to such conditions, if any, as to rent or otherwise as the appropriate authority thinks fit or confirm the notice subject to such extension, if any, of the said period of three months as the appropriate authority thinks fit.

(4) Where any attachments have been affixed to a building under this section, the owner of the building may give the street lighting authority by whom they were affixed not less than fourteen days notice requiring them at their own expense temporarily to remove the attachments where necessary during any reconstruction or repair of the building.

(5) Where attachments are affixed to a building under this section, the street lighting authority shall have the right as against any person having an interest in the building to alter or remove them, or to repair or maintain them.

(6) If the owner of a building suffers damage by, or in consequence of, the affixing to the building of any attachments under this section, or by or in consequence of the exercise of the rights conferred by subsection (5) of this section, he shall be entitled to be paid by the street lighting authority compensation to be determined in case of dispute by the Lands Tribunal, and, so far as the compensation is properly to be calculated by reference to the depreciation of the value of his interest in the building, Rules 2 to 4 of the Rules set out in section five of the Land Compensation Act, 1961, shall apply.

(7) A street lighting authority shall not do anything under this section which would, to their knowledge, be in contravention of a building preservation order under section twenty-nine of the Town and Country Planning Act, 1947.

(8) In this section "appropriate authority" means a magistrates' court, except that in relation to buildings of the descriptions in the Fourth Schedule to this Act it has the meaning there given.

(9) In this section—

“ building ” includes a structure and a bridge or aqueduct over a street ;

PART IV

“ owner ”—

(a) in relation to a building occupied under a tenancy for a term of years whereof five years or more remain unexpired, means the occupier of the building, and

(b) in relation to any other building, has the same meaning as in the Public Health Act, 1936, and

“ owned ” shall be construed accordingly ;

“ street lighting ” includes the lighting of markets and public buildings under section one hundred and sixty-one of the Public Health Act, 1875 (which relates to the powers conferred on urban authorities within the meaning of that Act), and the lighting of public places under section three of the Parish Councils Act, 1957,

and the definitions in this section shall apply for the purposes of the Fourth Schedule to this Act.

(10) Section five of the Parish Councils Act, 1957 (which contains provisions as to the consents required for the exercise of the powers of street lighting conferred by that Act), shall not apply in relation to the affixing after the commencement of this Act of any attachments to a building within the meaning of this section but those powers shall not be taken to authorise anything to be done without consent for which consent is required by this section.

46.—(1) If it appears to a local authority that the forecourt of premises abutting on a street, or any steps or projection or goods (whether for sale or not) placed in such a forecourt, is or are a source of danger, obstruction or inconvenience to the public, the local authority may by notice require the owner or occupier of the forecourt to fence the forecourt from the street or, if he so elects, to take such other steps as may be specified in the notice to obviate the danger, obstruction or inconvenience to the public.

Forecourts  
abutting  
on streets.

(2) If it appears to a local authority that a stall or other erection on a forecourt of premises abutting on a street is by reason of its character injurious to the amenities of the street, the local authority may by notice require the owner or occupier of the forecourt to make such alterations in the stall or other erection as may be necessary to prevent its being injurious to the amenities of the street or, if he so elects, to remove it:

Provided that this subsection shall not apply to any erection which has been in position in the forecourt of any premises at all times since the tenth day of November, nineteen hundred and sixty.

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(3) A local authority shall not have power under subsection (1) or subsection (2) of this section to give a notice applying to any advertisement as defined in subsection (1) of section one hundred and nineteen of the Town and Country Planning Act, 1947, or under subsection (2) of this section to give a notice applying to anything erected in conformity with planning permission granted on an application under Part III of that Act.

(4) The provisions of Part XII of the Public Health Act, 1936, with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under this section as if this section were contained in that Act and subsection (6) of section two hundred and ninety of that Act shall authorise the local authority at their election to take either of the courses which were open to the person on whom the notice was served in order to comply with it.

Urgent repairs to private streets.

**47.**—(1) In any street, not being a highway maintainable at the public expense, the street works authority as defined in subsection (2) of section two hundred and thirteen of the Highways Act, 1959, may execute such repairs as are in their opinion urgently required to prevent or remove danger to persons or vehicles in the street.

(2) The provisions of this section shall be without prejudice to section two hundred and four of the said Act (which empowers the street works authority to require the owners of premises fronting the street to execute repairs to the street) or to any enactment for the time being in force relating to private street works.

(3) This section shall not authorise the execution of any such works as are mentioned in paragraph (a) or (b) of subsection (1) of section three hundred and seven of the Highways Act, 1959 (which relates to dock, harbour and canal undertakings), except with the consent of the undertakers concerned (as defined in that section).

Pavement lights and ventilators.

**48.**—(1) It shall not be lawful after the commencement of this Act to carry out any works in a street to provide means for the admission of air or light to premises situated under, or abutting on, the street without the consent of the local authority, and the local authority in giving any consent under this subsection may impose any requirement as to the construction of the works.

(2) A person who has applied for consent under subsection (1) of this section may appeal to a magistrates' court against the refusal of consent or against any requirement imposed by the local authority under that subsection.

(3) A person who carries out any works in contravention of subsection (1) of this section, or fails to comply with a requirement of a local authority imposed on 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.

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(4) As soon as may be after a local authority give a consent under this section they shall give notice thereof to any public utility undertakers having any apparatus under the street.

(5) This section shall be construed as one with the Highways Act, 1959, and subsection (4) of section one of this Act shall not apply to this section.

49.—(1) No statutory provision prohibiting or restricting the use of footpaths, footways or bridleways shall affect the use by a county council, local authority, parish council or parish meeting of appliances or vehicles, whether mechanically operated or propelled or not, for cleansing or maintaining footpaths, footways or bridleways or their verges. Use by local authorities of vehicles and appliances on footways and bridleways.

(2) The Minister of Transport and the Minister of Power acting jointly may make regulations prescribing the conditions under which the rights conferred by this section may be exercised, and such regulations may in particular make provision as to—

- (a) the construction of any appliances or vehicles used under this section,
- (b) the maximum weight of any such appliances or vehicles, or the maximum weight borne by any wheel or axle,
- (c) the maximum speed of any such appliances or vehicles,
- (d) the hours during which the appliances or vehicles may be used, and
- (e) the giving by the Minister of Transport or the Minister of Power of directions dispensing with or relaxing any requirement of the regulations as it applies to a particular authority or in any particular case.

The power of making regulations under this subsection shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) In this section “statutory provision” means a provision contained in, or having effect under, any enactment.

(4) This section shall come into force on such date as may be specified in regulations made under subsection (2) of this section.

50. For the purpose of facilitating the disposal of sewage the powers of a local authority under section one hundred and fifty-seven of the Highways Act, 1959, shall extend to the making of byelaws requiring any person constructing a new street to New streets: separate sewers for foul water and surface water.

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provide separate sewers for foul water drainage and surface water drainage respectively.

**Refuse and litter bins.**

**51.—(1)** Subject to the provisions of this section, a county council, local authority or parish council may provide and maintain in any street or public place receptacles for refuse or litter:

Provided that a county council's powers under this subsection shall not be exercisable in a borough or urban district.

(2) It shall be the duty of a county council, local authority or parish council to make arrangements for the regular emptying and cleansing of any receptacles for refuse or litter provided or maintained by them under this section or under section one hundred and fifty-six of the Highways Act, 1959; and a county council, local authority or parish council shall have power to cleanse and empty receptacles for refuse or litter provided in any street or public place by them or any other person.

(3) The regular emptying mentioned in the last preceding subsection shall be sufficiently frequent to ensure that no such receptacle or the contents thereof shall become a nuisance or give reasonable ground for complaint.

(4) In any place where a receptacle for refuse or litter may be provided or maintained under this section or under section one hundred and fifty-six of the Highways Act, 1959, a county council, local authority or parish council may put up notices about the leaving of refuse and litter, and for that purpose may, subject to the provisions of this section, erect and maintain notice boards.

(5) No authority shall have power under this section to place any receptacle for refuse or litter or any notice board—

- (a) on any land forming part of an open space as defined in the Open Spaces Act, 1906, which is provided by or under the management and control of some other authority (being a county council, local authority or parish council or parish meeting) without the consent of that other authority, or
- (b) on any other land not forming part of a street without the consent of the owner and of the occupier of that land,

and the Third Schedule to this Act (which makes it necessary to obtain certain consents before carrying out works in streets) shall also apply to the powers conferred by this section.

(6) A county council may if they think fit make a contribution to any expenditure incurred by a parish council under this section.

(7) A parish council may contribute towards—

- (a) the reasonable expenses incurred by any person in doing anything which the parish council have power to do under this section, and



(b) the expenses incurred by any other parish council in exercising their powers under this section,

and two or more parish councils may by agreement combine for the purpose of exercising their powers under this section.

(8) A county council, local authority or parish council may sell refuse or litter removed by them from any receptacles for refuse or litter.

(9) Paragraph (a) of subsection (1) of section seventy-six of the Public Health Act, 1936 (which authorises a local authority to provide receptacles for refuse), shall cease to have effect, and this section shall apply to any such receptacle provided under that section as if it had been provided under this section.

(10) A reference to the said section seventy-six in any order made before the commencement of this Act under subsection (3) of section one hundred and ninety of the Local Government Act, 1933 (under which expenses incurred by a rural district council may be made special expenses separately chargeable in specified parts of the district), shall include a reference to this section.

(11) Any person who wilfully removes or otherwise interferes with any receptacle or notice board provided or erected under this section or section one hundred and fifty-six of the Highways Act, 1959, shall be liable on summary conviction to a fine not exceeding five pounds; and the court by which that person is convicted may order him to pay a sum not exceeding twenty pounds as compensation to the county council, local authority or parish council concerned and any such order shall be enforceable in the same way as an order for costs to be paid by the offender.

### *Parks and open spaces*

**52.**—(1) Sections seventy-six and seventy-seven of the Public Health Acts Amendment Act, 1907 (which give a local authority certain powers as regards their parks and pleasure-grounds), together with Part VI of the Public Health Act, 1925 (which extends the said section seventy-six), shall be in force throughout the district of every local authority and section three of the said Act of 1907 (which relates to the adoption by a local authority of provisions in that Act) shall not apply to the said sections seventy-six and seventy-seven.

**Management of parks and pleasure-grounds.**

(2) When any part of a park or pleasure-ground is set apart by a local authority under paragraph (b) of subsection (1) of the said section seventy-six for the purpose of cricket, football or any other game or recreation, the local authority may, subject to the restrictions or conditions, if any, prescribed by rules made

**PART IV** under that section, permit the exclusive use by any club or other body of persons of—

- (a) any portion of the part set apart as aforesaid, and
- (b) the whole or any part of any pavilion, convenience, refreshment room or other building provided under that section,

subject to such charges and conditions as the local authority think fit.

(3) Subsection (2) of this section shall not empower a local authority to permit at one and the same time the exclusive use of—

- (a) more than one-third of the area of any park or pleasure-ground, or
- (b) more than one-quarter of the total area of all the parks and pleasure-grounds provided by them or under their management and control,

and in exercising their powers under paragraph (a) of that subsection, the local authority must satisfy themselves that they have not unfairly restricted the space available to the public for games and recreations.

(4) Subsections (2) and (3) of this section shall be read as one with the said section seventy-six.

Closing of  
parks and  
pleasure-  
grounds.

**53.**—(1) Subsection (1) of section forty-four of the Public Health Acts Amendment Act, 1890 (which empowers a local authority to close their parks and pleasure-grounds or to allow their use for a show or other special purposes), shall be amended as follows.

(2) That subsection shall be in force throughout the district of every local authority, and sections three and five of the said Act (which relate to the adoption or bringing into force of provisions in that Act) shall not apply to that subsection.

(3) So much of the said subsection as restricts the power of closing parks or pleasure-grounds shall have effect as if for the reference to four consecutive days there were substituted a reference to six consecutive days (excluding Sunday) and in computing any such period of six consecutive days a Saturday and the following Monday shall be regarded as consecutive days.

(4) The proviso to the said subsection (which prohibits the closing of a park or pleasure ground on a Sunday or public holiday) shall cease to apply to a public holiday, but on any bank holiday, or on Christmas Day or Good Friday, or on a day appointed for public thanksgiving or mourning, a local authority shall not have power under the subsection to close any park or pleasure-ground, or any part thereof, if the area so

closed, together with any other area so closed, exceeds one-quarter of the total area of all the parks or pleasure-grounds provided by the local authority.

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(5) The reference in paragraph (d) of subsection (1) of section eight of the Local Government Act, 1894 (under which parish councils may provide pleasure-grounds), to section forty-four of the said Act of 1890 shall be taken as a reference to that section as amended by this section.

54.—(1) Subject to the provisions of this section, a local authority or parish council may in any park or pleasure-ground provided by them, or under their management and control, provide a boating pool. Boating pools and lakes.

(2) The local authority or parish council may provide such buildings and execute such work as may be necessary or expedient in connection with the provision of a boating pool under this section, and may also provide boats for the boating pool and such other equipment as may be reasonably required in connection with the use of the boating pool and buildings.

References in this section to a boating pool so provided shall include references to anything else provided under this subsection.

(3) The local authority or parish council may either—

(a) themselves manage a boating pool provided under this section, making such reasonable charges for its use, or for admission, as they think fit, or

(b) let it, or any part of it, for such consideration, and on such terms and conditions, as they think fit.

(4) Where the existence of a boating pool is likely to interfere with any water flowing directly or indirectly out of or into any watercourse which is vested in or controlled by a river board, catchment board or internal drainage board, the local authority or parish council shall before providing a boating pool under this section consult with the board.

(5) No power given by this section shall be exercised in such a manner as to contravene any covenant or condition subject to which a gift or lease of a park or pleasure-ground has been accepted or made without the consent of the donor, grantor, lessor or other person or persons entitled in law to the benefit of the covenant or condition.

(6) Subsection (2) of section forty-four of the Public Health Acts Amendment Act, 1890 (which gives a local authority certain powers as regards lakes and water in parks and pleasure-grounds)—

(a) shall apply in relation to a park or pleasure-ground under the management and control of a local authority

**PART IV**

as it applies in relation to a park or pleasure-ground provided by them, and

(b) shall be in force throughout the district of every local authority ;

and sections three and five of the said Act shall not apply to that subsection.

(7) Section two hundred and seventy-eight of the Public Health Act, 1936 (under which compensation may be paid for damage incurred in consequence of the exercise by the local authority of their powers under that Act), shall apply as if this section were contained in that Act.

(8) In the First Schedule to the Parish Councils Act, 1957 (which lists the expenses of parish councils which are not subject to the limit imposed by section one hundred and ninety-three of the Local Government Act, 1933), there shall be added at the end of paragraph 3 (which relates to expenditure on recreation grounds) the following words—

“ or in exercising any powers under section fifty-four of the Public Health Act, 1961 ”.

(9) Sections three hundred and thirty-one and three hundred and thirty-four of the Public Health Act, 1936 (which contain savings for water rights and for the works of land drainage authorities), shall apply as if this section were contained in that Act and as if references in those sections to a local authority included references to a parish council.

(10) It is hereby declared that this section does not authorise a local authority or parish council to do anything in contravention of byelaws made under section forty-seven of the Land Drainage Act, 1930 (under which byelaws may be made, among other things, for regulating the use of watercourses).

**PART V****TRADE EFFLUENTS***Exemptions under Act of 1937*

Charges  
in cases  
exempted  
under s. 4 of  
Act of 1937.

**55.**—(1) This section shall apply in relation to the discharge of trade effluents into public sewers where by virtue of subsection (1) or subsection (2) of section four of the Public Health (Drainage of Trade Premises) Act, 1937 (which concern cases where a discharge of trade effluents was made before the coming into force of that Act, or before a change in the sewerage system), the restrictions imposed by sections one and two of that Act (hereafter referred to as the Act of 1937) do not apply.

## PART V

(2) A local authority may direct that where trade effluents are discharged from any trade premises specified in the direction, and this section applies in relation to the discharge of those trade effluents, the occupier for the time being of the trade premises shall pay such charges to the local authority as the local authority may specify in the direction, regard being had to the nature and composition and to the volume and rate of discharge of the trade effluent, to any additional expense incurred or likely to be incurred by a sewerage authority in connection with its reception or disposal, and to any revenue likely to be derived by a sewerage authority from the trade effluent; and a local authority may from time to time vary or annul a direction given under this section by a further direction.

(3) No further direction shall be given under subsection (2) of this section within two years from the date on which notice was given of the previous direction, but this subsection shall not prevent a further direction being given before that time with the written consent of the owner and occupier of the trade premises, and any direction given with such consent shall not affect the time at which any subsequent direction may be given.

(4) A local authority shall not have power to give a direction under this section without the approval of any body which is an interested body as defined in subsection (1) of section fourteen of the Act of 1937, unless in any particular case the Minister by a notice to the local authority dispenses with the requirements of this subsection.

(5) The local authority shall give notice of any direction under this section to the owner and occupier of the trade premises to which the direction relates, and the notice shall include information as to the right of appeal conferred by the next following subsection.

(6) The owner or occupier of the trade premises may within two months of the giving of the notice to him, or with the written permission of the local authority at any later time, appeal to the Minister against the direction.

(7) On an appeal against a direction under this section the Minister shall have power to annul the direction or to substitute for it any other direction under this section, whether more or less favourable to the appellant, and any direction given by the Minister may include provision as to the charges to be made for any period between the giving of the notice by the local authority and the determination of the appeal.

(8) If charges are payable under this section for the discharge of trade effluents for any period, no charges shall be payable under paragraph (c) of subsection (1) of section four of the Act of 1937 (which, in a case where before the coming into force of the Act of 1937 any sum was payable for the discharge of trade

**PART V** effluents, makes it a condition of the exercise of the right under the said subsection that an equivalent payment is made) for the discharge of those trade effluents for that period.

(9) If, under any agreement to which the local authority and the owner or occupier of the trade premises are parties, any charges are payable to the local authority for the discharge of trade effluents for any period, no charges shall be payable under this section for the discharge of those trade effluents for that period.

**Withdrawal of exemptions after two years' disuse.**

**56.**—(1) If after subsection (1) or subsection (2) of section four of the Act of 1937 has operated to exempt any discharge of trade effluents from any trade premises there has been a period of two years or more during which no trade effluents of the nature or composition so exempted were discharged from those premises, that exemption shall no longer apply to those trade premises.

(2) This section shall apply whether or not the said period of two years or more, or any part of it, falls after the commencement of this Act, but shall not apply in relation to a period falling wholly before the commencement of this Act if the discharge of trade effluents in question from the premises was resumed before the commencement of this Act.

**Installation of inspection chambers and meters on exempted premises.**

**57.**—(1) A local authority may direct that the discharge of trade effluents from any trade premises specified in the direction, in any case where subsection (1) or subsection (2) of section four of the Act of 1937 has operated to exempt the discharge of the trade effluents, shall be subject to conditions as regards all or any of the following matters—

- (a) the temperature of the trade effluent at the time when it is discharged into the sewer, and its acidity or alkalinity at that time,
- (b) the provision and maintenance of such an inspection chamber or manhole as will enable a person readily to take at any time samples of what is passing into the sewer from the trade premises,
- (c) the provision and maintenance of such meters as may be required to measure the volume and rate of discharge of any trade effluent being discharged from the trade premises into the sewer, and for the testing of such meters,
- (d) the keeping of records of the volume and rate of discharge of any trade effluent being so discharged, and in particular the keeping of records of readings of meters

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provided in compliance with any other condition imposed under this section, and

- (e) the making of returns and giving of other information to the local authority concerning the volume, rate of discharge, nature and composition of any trade effluent so discharged,

and a local authority may from time to time vary or annul a direction given under this section by a further direction.

(2) No further direction shall be given under subsection (1) of this section within two years from the date on which notice was given of the previous direction, but this subsection shall not prevent a further direction being given before that time with the written consent of the owner and occupier of the trade premises, and any direction given with such consent shall not affect the time at which any subsequent direction may be given.

(3) A local authority shall not have power to give a direction under this section without the approval of any body which is an interested body as defined in subsection (1) of section fourteen of the Act of 1937, unless in any particular case the Minister by a notice to the local authority dispenses with the requirements of this subsection.

(4) A local authority shall give notice of any direction under this section to the owner and occupier of the trade premises to which the direction relates, and the notice shall include information as to the right of appeal conferred by the next following subsection.

(5) The owner or occupier of the trade premises may within two months of the giving of the notice to him, or with the written permission of the local authority at any later time, appeal to the Minister against the direction.

(6) The notice shall state the date on which the direction is to take effect, being a date not less than two months after the giving of the notice, and if an appeal is brought under this section before that date, the direction shall not take effect until the appeal is withdrawn or finally disposed of.

(7) On an appeal against a direction under this section the Minister shall have power to annul the direction or to substitute for it any other direction under this section, whether more or less favourable to the appellants.

(8) If there is a failure to comply with a condition imposed under this section, and any trade effluent has been discharged from the trade premises into a sewer to which the condition relates at any time since the imposition of the condition, the occupier of the trade premises shall be guilty of an offence under the Act of 1937.

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*Trade effluents byelaws*

Withdrawal  
of power to  
make  
byelaws under  
Act of 1937.

**58.** Section five of the Act of 1937 (under which local authorities may make trade effluents byelaws) shall cease to have effect.

*Conditions attached to consents*

Conditions  
which may  
be attached  
to consents  
under Act of  
1937.

**59.—**(1) Paragraph (e) of subsection (3) of section two of the Act of 1937 (under which conditions may be attached to a consent under that Act with respect to the matters set out in subsection (1) of the said section five) shall cease to have effect but conditions may be so attached under the said subsection (3) with respect to all or any of the following matters (which correspond, subject to minor variations, to the matters set out in subsection (1) of the said section five)—

- (a) the period or periods of the day during which the trade effluent may be discharged from the trade premises into the sewer,
- (b) the exclusion from the trade effluent of all condensing water,
- (c) the elimination or diminution of any specified constituent of the trade effluent, before it enters the sewer, where the local authority are satisfied that that constituent would, either alone or in combination with any matter with which it is likely to come into contact while passing through any sewers—
  - (i) injure or obstruct those sewers, or make specially difficult or expensive the treatment or disposal of the sewage from those sewers, or
  - (ii) (where the trade effluent is to be, or is, discharged into a sewer having an outfall in any harbour or tidal water or into a sewer which connects directly or indirectly with a sewer or sewage disposal works having such an outfall) cause or tend to cause injury or obstruction to the navigation on, or the use of, the said harbour or tidal water,
- (d) the temperature of the trade effluent at the time when it is discharged into the sewer, and its acidity or alkalinity at that time,
- (e) the payment by the occupier of the trade premises to the local authority of charges for the reception of the trade effluent into the sewer, and for the disposal thereof, regard being had to the nature and composition and to the volume and rate of discharge of the trade effluent so discharged, to any additional expense incurred or likely to be incurred by a sewerage authority in connection with the reception or disposal of the trade effluent, and to any revenue likely to be derived by a sewerage authority from the trade effluent,



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- (f) the provision and maintenance of such an inspection chamber or manhole as will enable a person readily to take at any time samples of what is passing into the sewer from the trade premises, and
  - (g) the provision and maintenance of such meters as may be required to measure the volume and rate of discharge of any trade effluent being discharged from the trade premises into the sewer, and for the testing of such meters.
- (2) Conditions may also be imposed under the said subsection
- (3) with respect to all or any of the following matters—
- (a) the provision and maintenance of apparatus for determining the nature and composition of any trade effluent being discharged from the premises into the sewer, and for the testing of the apparatus,
  - (b) the keeping of records of the volume, rate of discharge, nature and composition of any trade effluent being so discharged, and in particular the keeping of records of readings of meters and other recording apparatus provided in compliance with any other condition attached to the consent, and
  - (c) the making of returns and giving of other information to the local authority concerning the volume, rate of discharge, nature and composition of any trade effluent so discharged.

**60.**—(1) A local authority may from time to time under subsection (3) of section two of the Act of 1937 give a direction varying the conditions which have been attached to their consent to the discharge of trade effluent into a public sewer. Power to vary conditions.

(2) No direction shall be given under subsection (1) of this section within two years from the date of the consent or, where a previous direction has been given under that subsection, within two years from the date on which notice was given of that direction, but this subsection shall not prevent a direction being given before that time with the written consent of the owner and occupier of the trade premises, and any direction given with such consent shall not affect the time at which any subsequent direction may be given.

(3) A local authority shall not have power to give a direction under subsection (1) of this section without the approval of any body which is an interested body as defined in subsection (1) of section fourteen of the Act of 1937 unless in any particular case the Minister by a notice to the local authority dispenses with the requirements of this subsection.

(4) The local authority shall give to the owner and occupier of the trade premises to which the consent relates notice of any direction under subsection (1) of this section, and the notice shall

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include information as to the right of appeal conferred by the next following subsection.

(5) The owner or occupier of the trade premises may within two months of the giving of the notice to him, or with the written permission of the local authority at any later time, appeal to the Minister against the direction.

(6) The notice shall state the date on which the direction is to take effect, being a date not less than two months after the giving of the notice, and if an appeal is brought under this section before that date, the direction shall not take effect until the appeal is withdrawn or finally disposed of:

Provided that so far as a direction relates to the making of charges payable by the occupier of the trade premises, it may take effect on any date after the giving of the notice.

(7) On an appeal under this section the Minister shall have power to annul the direction given by the local authority or to substitute for it any other direction, whether more or less favourable to the appellant, and any direction given by the Minister may include provision as to the charges to be made for any period between the giving of the notice by the local authority and the determination of the appeal.

(8) References in this section to the variation of conditions include references to the addition or annulment of a condition, or to the attachment of a condition to a consent to which no condition was previously attached.

Appeals under  
s. 3 of Act  
of 1937.

**61.**—(1) This section shall have effect as respects any appeal under section three of the Act of 1937 (under which an appeal may be brought by a person aggrieved by a direction prohibiting the discharge of trade effluent until a specified date, or by refusal or failure to give a consent under that Act, or by a condition attached to a consent).

(2) Where the appeal is in respect of a refusal to give a consent under the Act of 1937, or failure to give such a consent, the Minister may give the necessary consent, either unconditionally or subject to such conditions as the Minister thinks fit to impose for determining any of the matters as respects which the local authority have power to impose conditions under subsection (3) of section two of the Act of 1937.

(3) Where the appeal is in respect of a condition attached to a consent the Minister may take into review all the conditions attached to the consent, whether appealed against or not, and may substitute for them any other set of conditions, whether more or less favourable to the appellant, or may annul any of the conditions.

(4) The Minister may under the last foregoing subsection include provision as to the charges to be made in pursuance of

any condition attached to a consent for any period before the determination of the appeal.

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(5) On any appeal the Minister may give a direction that no trade effluent shall be discharged in pursuance of the trade effluent notice in question until a specified date, or vary such a direction given by the local authority by substituting either an earlier or a later date for the date specified in the direction.

This subsection shall apply whether or not any direction given by the local authority is appealed against.

(6) This section shall not apply to an appeal instituted before the commencement of this Act.

**62.**—(1) If, after a direction has under the Act of 1937 or this Part of this Act been given requiring that no trade effluent shall be discharged in pursuance of a trade effluent notice until a specified date, it appears to the local authority that in consequence of a failure to complete any works required in connection with the reception and disposal of the trade effluent, or in consequence of any other exceptional circumstances, a later date ought to be substituted for the date so specified in the direction, they may apply to the Minister and the Minister shall have power to vary the direction so as to extend the period during which the trade effluent may not be discharged until the date specified in the application or, if he thinks fit, any earlier date.

Postponement of right to discharge trade effluents in special cases.

(2) Not less than one month before making an application under this section the local authority shall give notice of their intention to the owner and occupier of the trade premises to which the trade effluent notice relates and the Minister before varying the direction shall take into account any representations made to him by the owner or occupier of those trade premises.

*Farming, scientific research and other special cases*

**63.**—(1) For the purposes of the definition of “trade premises” in subsection (1) of section fourteen of the Act of 1937, any land or premises used or intended to be used (in whole or in part and whether for profit or not)—

Effluents from farms and premises used for scientific research.

(a) for agricultural or horticultural purposes, or

(b) for scientific research or experiment,

shall be deemed to be premises used for carrying on a trade or industry, and for the purposes of the definition in that subsection of “trade effluent” the expression “trade or industry” shall include agriculture, horticulture and scientific research or experiment.

(2) Subject to the provisions of this section, if at the commencement of this Act, or at any earlier time not more than one year before the commencement of this Act, there was being discharged from any premises any quantity of effluent which

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would fall within the definition of trade effluent as amended by this section (but not as unamended), none of the restrictions imposed by sections one and two of the Act of 1937 shall by virtue of subsection (1) of this section apply in relation to the discharge from those premises of trade effluent of the same nature and composition—

(a) during the period of twelve months beginning with the commencement of this Act, and

(b) if before the end of the said period of twelve months a trade effluent notice is duly served under section two of the Act of 1937 regarding the discharge from those premises of trade effluent of that nature and composition, either during the said period of twelve months or at any later time permitted under the next following subsection.

(3) Where such a trade effluent notice has been served before the end of the said period of twelve months, the exemption conferred by subsection (2) of this section shall continue—

(a) until the local authority give their consent under the Act of 1937, or give notice to the owner or occupier of the trade premises that they refuse to give their consent, and

(b) for a further three months beginning with the giving of the consent, or of notice refusing the consent,

and if before the expiration of the said period of three months an appeal is brought under section three of the Act of 1937 by reference to the trade effluent notice, the exemption shall continue until the appeal is withdrawn or finally disposed of.

(4) The exemptions conferred by subsection (2) and subsection (3) of this section shall apply only if and so long as the quantity of the trade effluent in question discharged from the premises into the sewer on any one day does not exceed the maximum quantity thereof so discharged on any one day during the period of twelve months ending immediately before the commencement of this Act, and the exemption conferred by virtue of subsection (3) of this section shall apply only in relation to the discharge of trade effluent in accordance with the trade effluent notice.

(5) The amendments made by subsection (1) of this section shall not apply for the purposes of subsection (1) of section four of the Act of 1937 and those amendments shall not apply for the purposes of subsection (2) of the said section four except in relation to the closing of a drain or sewer after the commencement of this Act.

(6) The owner or occupier of any trade premises from which any effluent which falls within the definition of trade effluent by virtue of subsection (1) of this section is discharged into a

## PART V

sewer shall, if requested by the local authority in writing so to do, furnish to the local authority such information specified in the request as he can reasonably be expected to supply with respect to the discharge of any effluent from those premises during the period of one year ending with the commencement of this Act.

(7) A person who fails to comply with a request for information under the last foregoing subsection shall be liable to a fine not exceeding five pounds.

(8) Nothing in this Part of this Act shall affect any agreement duly made before the commencement of this Act between a local authority and the owner or occupier of any premises with respect to the discharge from those premises of any effluent which would fall within the definition of trade effluent as amended by subsection (1) of this section (but not as unamended).

**64.**—(1) The Minister may by order provide that the Act of 1937 and this Part of this Act shall apply in relation to liquid or other matter of any description specified in the order which is discharged from any premises into public sewers as they apply in relation to trade effluents, but subject to such modifications, if any, as may be specified in the order, and in particular subject to any modification of the definition of trade premises in the Act of 1937 which may be so specified. Power to extend Act of 1937 to other effluents.

(2) The Minister may include in an order under this section such provisions as appear to him expedient for modifying any enactment relating to sewage as that enactment applies in relation to the discharge into sewers of any liquid or other matter to which any provisions of the Act of 1937 are applied by an order under this section.

(3) The Minister may include in an order under this section such transitional, supplemental and incidental provisions as appear to him to be expedient.

(4) An order made under this section may be varied or revoked by a subsequent order.

(5) An order under this section shall be made by statutory instrument and the Minister shall not make an order under this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

**65.**—(1) If a local authority apply to the Minister and satisfy him that the discharge of trade effluent under the exemption conferred by subsection (4) of section four of the Act of 1937 (which exempts laundries from certain requirements contained in that Act) is likely to overload any sewers, or to make the treatment or disposal of sewage from any sewers specially difficult or expensive, or that there are other exceptional circum-

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stances, the Minister may by order provide that the said subsection (4) shall not apply to premises specified in the order.

(2) An order under this section may designate particular premises in the district of the local authority, or may be made to apply to premises throughout the district, or to premises in any part of the district specified in the order.

(3) A local authority shall take such steps as appear to them to be appropriate for bringing any application under this section to the attention of those who may be affected and affording them an opportunity of making representations to the Minister.

(4) After an order is made under this section the local authority shall publish a notice of the order on at least two occasions in a local newspaper circulating in their district.

(5) On the coming into force of an order under this section the local authority shall treat any trade effluent notice served on them before the coming into force of the order as regards any premises affected by the order as being an application for consent under subsection (1) of section one of the Act of 1937 to the discharge of trade effluents in accordance with the trade effluent notice and, if the local authority fail to give that consent within two months from the coming into force of the order the occupier of the premises may appeal to the Minister under section three of the Act of 1937.

(6) No consent under subsection (1) of section one of the Act of 1937 shall be required by virtue of the making of an order under this section for the discharge of trade effluents in accordance with a trade effluent notice served on the local authority before the coming into force of the order for the period of three months beginning with the date on which the order comes into force, and if within that period an appeal is brought under section three of the Act of 1937 by reference to the trade effluent notice, no consent shall be so required until the appeal is withdrawn or finally disposed of:

Provided that this subsection shall only apply if and so long as the quantity of trade effluent discharged from the premises in pursuance of the trade effluent notice on any one day does not exceed the maximum quantity so discharged on any one day during the period of twelve months ending with the coming into force of the order.

(7) Nothing in section fifty-five or section fifty-seven of this Act shall authorise the imposition of any charge or condition in relation to the discharge of a trade effluent to which the exemption conferred by subsection (4) of section four of the Act of 1937 for the time being applies.

(8) An order made under this section may be varied or revoked by a subsequent order.

*Supplemental*

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**66.**—(1) At any stage of the proceedings on an appeal or reference to the Minister under section three, or subsection (5) of section four, of the Act of 1937, or under any provision of this Part of this Act, the Minister may, and if so directed by the High Court shall, state in the form of a special case for the decision of the High Court any question of law arising in those proceedings; and the decision of the High Court on the special case shall be deemed to be a judgment of the Court within the meaning of section twenty-seven of the Supreme Court of Judicature (Consolidation) Act, 1925 (which relates to the jurisdiction of the Court of Appeal to hear and determine appeals on any judgment of the High Court), but no appeal to the Court of Appeal shall be brought by virtue of this subsection except with the leave of the High Court or the Court of Appeal.

(2) The Act of 1937 and this Part of this Act shall apply in relation to any consent or direction given, or condition imposed, by the Minister on an appeal concerning the exercise of the powers of a local authority under any provision of the Act of 1937 or this Part of this Act as if the consent or direction had been given or, as the case may be, the condition had been imposed by the local authority under that provision.

**67.**—(1) Any meter or apparatus provided in pursuance of the Act of 1937 or this Part of this Act in any trade premises for the purpose of measuring, recording or determining the volume, rate of discharge, nature or composition of trade effluent discharged from those premises shall in any proceedings be presumed to register accurately until the contrary is shown.

Recording and testing of trade effluents.

(2) The powers of entry conferred by section two hundred and eighty-seven of the Public Health Act, 1936, as applied to this Part of this Act, shall extend to entry for the purpose of reading any meter or other recording apparatus provided in any premises in pursuance of the Act of 1937 or this Part of this Act for the purpose of assessing any charge.

(3) In subsection (2) of section ten of the Act of 1937 (which provides that the result of an analysis of a sample of trade effluent taken under that section shall not be admissible as evidence unless certain requirements have been complied with) references to an analysis shall include references to any test of whatever kind and “analysed” and “analyst” in that subsection shall be construed accordingly.

**68.**—(1) If any person discloses any information which has been furnished to him under the Act of 1937 or this Part of this Act he shall be guilty of an offence, unless the disclosure is made—

Restriction of disclosure of information.

(a) with the consent of the person by whom the information was furnished; or

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(b) in connection with the execution of the Act of 1937 or this Part of this Act ; or

(c) for the purposes of any proceedings arising out of the Act of 1937 or this Part of this Act (including appeals and applications to the Minister and arbitrations) or of any criminal proceedings whether so arising or not, or for the purpose of any report of any such proceedings.

(2) A person guilty of an offence under the foregoing subsection 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.

Explanation of Act of 1937.

**69.**—(1) It is hereby declared that nothing in the Act of 1937 or this Part of this Act authorises the discharge of any effluent into a public sewer otherwise than by means of a drain or sewer as defined in the Public Health Act, 1936.

(2) It is hereby declared that the power of the Minister to amend or adapt local Acts under subsection (1) of section twelve of the Act of 1937, as applied to this Part of this Act, applies to local Acts coming into force after, as well as before, that Act.

Copies of directions by local authorities to be available to the public.

**70.** A copy of every direction given by a local authority under this Part of this Act, certified by the clerk of the local authority, shall be kept by the local authority at their offices so as to be available at all reasonable times for inspection and copying by any person, upon payment of a fee of sixpence for each inspection.

Amendment of s. 22 of London County Council (General Powers) Act, 1953.

**71.** In section twenty-two of the London County Council (General Powers) Act, 1953, references to the Act of 1937 shall include references to this Part of this Act, and the Minister in exercising his power of making orders under that section may apply this Part of this Act subject to such modifications as appear to him expedient.

## PART VI

## MISCELLANEOUS

Discharge of steam.

**72.** In paragraph (d) of subsection (1) of section ninety-two of the Public Health Act, 1936 (under which dust or effluvia caused in any trade or business is a statutory nuisance if it is prejudicial to the health of, or a nuisance to, the local inhabitants), the reference to effluvia shall include a reference to any spent or ejected steam so, however, that this section shall not be taken as applying to steam ejected by a railway locomotive.

Derelict petrol tanks.

**73.**—(1) Where a fixed tank or other fixed container which has been used for the storage of petroleum spirit, and is no longer used for that purpose, is kept on any premises, the occupier of the premises shall take all such steps as may be reasonably necessary to prevent danger from the container.



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(2) An officer of the local authority duly authorised by them may, on producing, if so required, some duly authenticated document showing his authority, require the occupier of premises on which there is any tank or other container to which subsection (1) of this section applies to show it to him and permit him to ascertain whether steps have been taken to comply with the provisions of this section.

(3) The local authority may by notice require the occupier of the premises to take any steps reasonably necessary to prevent danger from any tank or other container to which subsection (1) of this section applies.

(4) The provisions of Part XII of the Public Health Act, 1936, with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice under subsection (3) of this section, and shall so apply as if this section were contained in that Act.

(5) This section shall apply in relation to premises which are unoccupied with the substitution for the references to the occupier of the premises of references to their owner (as defined in subsection (1) of section three hundred and forty-three of the Public Health Act, 1936); and this section shall not apply to premises situated within the jurisdiction of a harbour authority (as defined in section twenty-three of the Petroleum (Consolidation) Act, 1928).

(6) In this section the expression "petroleum spirit" has the same meaning as in the said Act of 1928.

**74.**—(1) Subject to the provisions of this section, a local authority shall have power to take any steps for the purpose of abating or mitigating any nuisance, annoyance or damage caused by the congregation in any built-up area of house doves or pigeons or of starlings or sparrows.

Power to reduce numbers of pigeons and other birds in built-up areas.

(2) Nothing in section twenty-three of the Larceny Act, 1861, or in any other provision in that Act, shall prevent a local authority, in exercise of their powers under this section, from taking any reasonable steps to seize or destroy, or sell or otherwise dispose of, any house doves or pigeons which in their belief have no owner.

(3) A local authority acting under this section shall take all reasonable precautions to ensure that the seizure and destruction of any birds are carried out humanely.

(4) It is hereby declared that this section does not authorise a local authority to do anything in contravention of the Protection of Birds Act, 1954.

**PART VI**

Byelaws as to  
pleasure fairs  
and roller  
skating rinks.

**75.—(1) A local authority may make byelaws—**

- (a) for regulating the hours during which pleasure fairs and roller skating rinks may be open to the public;
- (b) for securing safe and adequate means of ingress to, and egress from, any pleasure fair or roller skating rink;
- (c) for the prevention and suppression of nuisances, and the preservation of sanitary conditions, cleanliness, order and public safety, at any pleasure fair or roller skating rink;

and it shall be the duty of the local authority to enforce byelaws made by them under this section.

**(2) In this section—****(a) “pleasure fair” means any place—**

(i) which is for the time being used wholly or mainly for providing, whether or not in combination with any other entertainment, any entertainment to which this section applies, and

(ii) for admission to which, or for the use of the contrivances in which, a charge is made;

**(b) “roller skating rink” means any place which is for the time being used wholly or mainly for roller skating and for admission to which a charge is made.**

**(3) Subject to the provisions of the next following subsection, the entertainments to which this section applies are the following:—**

- (a) circuses;
- (b) exhibitions of human beings or of performing animals;
- (c) merry-go-rounds, roundabouts, swings, switchback railways;
- (d) coco-nut shies, hoop-las, shooting galleries, bowling alleys;
- (e) dodgems or other mechanical riding or driving contrivances;
- (f) automatic or other machines intended for entertainment or amusement;
- (g) anything similar to any of the foregoing.

**(4) Nothing in this section, or the byelaws made thereunder, shall apply to—**

- (a) a fair held by statute, royal charter, royal licence, letters patent or ancient custom, or
- (b) a place owned by, or under the management and control of, an authority having power to make byelaws with respect to entertainments provided at that place.

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(5) Different byelaws may be made under this section for pleasure fairs and roller skating rinks and for different kinds of pleasure fairs.

(6) Section two hundred and eighty-seven of the Public Health Act, 1936 (which relates to powers of entry), shall have effect as if this section were contained in that Act.

(7) Section thirty-eight of the Public Health Acts Amendment Act, 1890 (under which byelaws may be made for the prevention of danger from roundabouts, swings and shooting galleries), shall cease to have effect, but any byelaws under that section in force at the commencement of this Act shall continue in force and may be revoked at any time as if they had been made under this section.

(8) The Secretary of State shall be the confirming authority as respects byelaws under this section, and the Secretary of State shall not confirm any byelaw under this section unless he is satisfied that all bodies which appear to him to be representative of the interests of those who carry on pleasure fairs and entertainments to which this section applies have been consulted on the matters dealt with by the byelaw.

**76.**—(1) For the prevention of danger, obstruction or annoyance to persons bathing in the sea or using the seashore, a local authority may make byelaws—

Byelaws as to seaside pleasure boats.

- (a) regulating the speed of pleasure boats;
- (b) regulating the use of pleasure boats so as to prevent their navigation in a dangerous manner or without due care and attention or without reasonable consideration for other persons;
- (c) requiring the use of effectual silencers on pleasure boats propelled by internal combustion engines.

(2) The Secretary of State shall be the confirming authority as respects byelaws made under this section.

(3) Any byelaw may be made under this section so as to have effect not only within the district of the local authority but also within a distance seaward from that district not exceeding one thousand yards from low-water mark of ordinary spring tides; and any offence against any such byelaw committed within that distance may be inquired into and dealt with as if it had been committed within the district of the local authority.

(4) Any byelaw made under this section shall be of no effect if and in so far as it is inconsistent with any byelaw made by any dock undertakers or by any person authorised by any enactment or statutory order to construct or operate a pier.

**PART VI**  
Byelaws as to  
hairdressers  
and barbers.

**77.**—(1) A local authority may make byelaws for the purpose of securing—

- (a) the cleanliness of premises on which a hairdresser's or barber's business is carried on and of the instruments, towels, materials and equipment used therein, and
- (b) the cleanliness of the hairdressers or barbers working in such premises in regard to both themselves and their clothing;

and it shall be the duty of the local authority to enforce byelaws made by them under this section.

(2) Section two hundred and eighty-seven of the Public Health Act, 1936, shall have effect as if this section were contained in that Act.

(3) The Minister shall be the confirming authority as respects byelaws under this section.

**Water supply**  
**to houses.**

**78.**—(1) In the proviso to subsection (3) of section one hundred and thirty-eight of the Public Health Act, 1936 (under which a householder may be required to pay up to twenty pounds towards the cost of providing a water supply for a house), for the word "twenty" there shall be substituted the word "sixty".

(2) This section shall not have effect in relation to a notice given under the said section one hundred and thirty-eight before the commencement of this Act.

**Discon-**  
**tinuance of**  
**reports**  
**regarding canal**  
**boats.**

**79.**—(1) Subsection (3) of section two hundred and forty-nine of the Public Health Act, 1936 (which requires a registration authority for any canal to make a report regarding canal boats to the Minister every year), shall cease to have effect.

(2) This section extends to the administrative county of London.

**Meaning of**  
**"refreshment-**  
**house" in**  
**s. 89 of**  
**Public Health**  
**Act 1936.**

**80.** It is hereby declared that the expression "refreshment-house" in section eighty-nine of the Public Health Act, 1936, means any building in which food or drink is sold to and consumed by the public.

**Summary**  
**recovery of**  
**damages for**  
**negligence.**

**81.** Damages recoverable by a county council, local authority or parish council or parish meeting for damage caused by negligence to any lamp, lamp-post, notice board, fence, rail, post, shelter or other apparatus or equipment provided by them in a street or public place shall, if the amount thereof does not exceed twenty pounds, be recoverable summarily as a civil debt.

## PART VII

### SUPPLEMENTAL

**Power to**  
**amend local**  
**Acts.**

**82.**—(1) The Minister may, subject to the provisions of this section, by order repeal or amend any provision—

## PART VII

- (a) in any local Act passed before this Act, or in any Act passed before this Act and confirming a provisional order, or
- (b) in any order or other instrument made under an Act of Parliament before the passing of this Act,

where it appears to him that that provision is inconsistent with, or has become unnecessary in consequence of, any provision of this Act, other than the provisions of Part V.

(2) Subject to subsection (3) of this section, the Minister shall not make an order under this section repealing or amending any provision in any local Act the Bill for which was promoted—

- (a) by a county council or local authority, or
- (b) by any authority, board, commissioners, trustees or other body whose functions under the local Act have become exercisable by a county council or local authority,

except on the application of that county council or local authority.

(3) Subsection (2) of this section shall not apply in relation to any order so far as the provisions of the local Act which it repeals or amends are repealed or amended as being inconsistent with, or as having become unnecessary in consequence of, the provisions of this Act relating to building regulations.

(4) Before making an order under this section the Minister shall consult with any county council or local authority which appear to him to be concerned, not being an authority on whose application the order is made.

(5) An order made under this section—

- (a) may contain such transitional, supplemental or incidental provisions as appear to the Minister to be expedient, and
- (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) The provisions of this section shall be without prejudice to the powers conferred by section three hundred and thirteen of the Public Health Act, 1936 (under which amendments may be made in certain local Acts), as applied to any of the provisions of this Act.

**83.** It is hereby declared that a local authority or other person may not under this Act do anything which is unlawful under the law relating to ancient monuments or to town and country planning.

Saving for law relating to ancient monuments and for planning law.

## PART VII

Extension  
of certain  
references  
to Public  
Health Acts.

**84.**—(1) Subsection (3) of section nine of the New Towns Act, 1946 (under which provisions of the Public Health Acts relating to sewage may be applied to new towns), paragraph (b) of subsection (4) of section eight of the Town Development Act, 1952 (under which such provisions may be applied to an authority acting under that Act), and any other enactment conferring power to apply the provisions of the Public Health Act, 1936, or the Public Health (Drainage of Trade Premises) Act, 1937, relating to sewage shall have effect as if references to the said Acts of 1936 and 1937 or either of them included references to the provisions of this Act.

(2) Any order made before the commencement of this Act under subsection (2) of section nine of the New Towns Act, 1946, which applies all the provisions of the said Act of 1937 (or all those provisions except any which are repealed by this Act) without modification, shall have effect as if references to that Act included references to Part V of this Act, but nothing in this subsection shall affect any power to vary or revoke any such order.

Expenses.

**85.** There shall be paid out of money provided by Parliament—

- (a) any increase in the sums so payable under any Act other than this Act which is attributable to the provisions of this Act, and
- (b) any expenses incurred by any Minister under this Act.

Short title,  
commencement  
and repeals.

**86.**—(1) This Act may be cited as the Public Health Act, 1961.

(2) Save as otherwise expressly provided, this Act shall come into force as follows—

- (a) the provisions of Part II relating to building regulations shall come into force on such date as the Minister may by order contained in a statutory instrument appoint, and
- (b) the other provisions of this Act shall come into force at the expiration of the period of two months beginning with the passing of this Act.

(3) The Acts mentioned in the Fifth Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule:

Provided that the repeals mentioned in Part I of that Schedule shall, save as otherwise expressly provided in the said Part I, take effect on the date appointed under paragraph (a) of the last foregoing subsection.

## SCHEDULES

### FIRST SCHEDULE

Sections 6 and  
11.

#### BUILDING REGULATIONS

#### PART I

#### RELAXATION FOR EXISTING WORK

##### *Interpretation*

1. This Part of this Schedule applies to any direction under this Act which will affect the application of building regulations to work which has been carried out before the giving of the direction.

##### *Cases where no direction may be given*

2. Neither the Minister nor a local authority shall give a direction to which this Part of this Schedule applies—

- (a) if the local authority have before the making of the application for the direction become entitled under subsection (3) of section sixty-five of the Public Health Act, 1936, to pull down, remove or alter the work to which the application relates, or
- (b) if when the application is made there is in force an injunction or other direction given by a court which requires the work to be pulled down, removed or altered.

##### *Suspension of certain provisions while an application is pending*

3.—(1) Subject to the following provisions of this Schedule, after the making of an application for a direction to which this Part of this Schedule applies, and until the application is withdrawn or finally disposed of, no notice shall be given under section sixty-five of the Public Health Act, 1936, as regards the work to which the application relates on the ground that it contravenes the requirement to which the application relates.

(2) If an application for a direction to which this Part of this Schedule applies is made less than twelve months after the completion of the work to which the application relates, so much of subsection (4) of the said section sixty-five as prevents a notice being given more than twelve months after the completion of the work shall not prevent the giving of such a notice as regards that work at any time within the period of three months from the date on which the application is withdrawn or finally disposed of.

(3) If an application for a direction to which this Part of this Schedule applies is made after a notice under the said section sixty-five has been given on the ground that the work to which the application relates contravenes the requirement to which the application relates (not being an application prohibited by paragraph 2 of this Schedule), subsection (3) of the said section sixty-five shall have effect in relation to that work as if for the reference to the period there mentioned there were substituted a reference to a period expiring twenty-eight days after the application is withdrawn or finally disposed of, or such longer period as a magistrates' court may allow.

**1st SCH.**

(4) Subject to the following provisions of this Schedule, if an application for a direction to which this Part of this Schedule applies is made after any person has, in consequence of the carrying out of the work to which the application relates in contravention of building regulations, become liable to a penalty continuing from day to day, the daily penalty shall not be recoverable in respect of any day after the making of the application and before it is withdrawn or finally disposed of.

(5) In a case where an application is withdrawn or is finally disposed of without any direction being given, the Minister or, as the case may be, the local authority may order that the daily penalty shall not be recoverable in respect of any day during such further period not exceeding twenty-eight days as may be specified in the order.

4. Sub-paragraph (1), sub-paragraph (3) and sub-paragraph (4) of the last foregoing paragraph shall not apply to an application which is a repetition, or substantially a repetition, of a previous application under this Act.

*Saving for criminal liability incurred before making  
of application*

5. The giving of a direction to which this Part of this Schedule applies shall not affect the liability of any person for an offence committed before the giving of the direction except so far as that liability depends on the continuation of the offence after the giving of the direction.

*Termination of proceedings under section 65 of Act  
of 1936 on giving of a direction*

6. If before the giving of a direction to which this Part of this Schedule applies a notice has been given under section sixty-five of the Public Health Act, 1936, and the contravention of building regulations by virtue of which the notice was given comes to an end when the direction is given, the local authority shall not, after the giving of the direction, be entitled to proceed under subsection (3) of the said section sixty-five by virtue of that notice.

## PART II

### TRANSITIONAL PROVISIONS

7. Section sixty-eight of the Public Health Act, 1936 (which provides for the temporary operation of building byelaws), shall cease to have effect at the passing of this Act and, accordingly, until the date when the other provisions of this Act relating to building regulations come into force (hereafter in this Part of this Schedule referred to as "the appointed date") building byelaws in force immediately before the passing of this Act shall continue in force, but subject to the power to make further building byelaws varying or revoking them.

8.—(1) Any building byelaw in force immediately before the appointed date shall after the appointed date continue to apply in relation to—

- (a) plans which, in accordance with building byelaws, were deposited with a local authority before the appointed date, and



(b) work carried out in accordance with plans deposited before the appointed date, with or without any departures or deviations from those plans, and

(c) work carried out and completed before the appointed date.

1ST SCH.

(2) Except as provided by the foregoing sub-paragraph, all building byelaws shall be repealed at the appointed date, but subsection (2) of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals), shall apply in relation to the repeals effected by this sub-paragraph as it applies in relation to the repeal of any provision in an Act of Parliament.

9.—(1) Subject to the provisions of this paragraph, a local authority may, on an application made after the appointed date by any person (other than the local authority), and with the consent of the Minister, give a direction dispensing with or relaxing any requirement of building byelaws, and the Minister may, on such an application by a local authority, give such a direction in their favour.

(2) Subsection (4) of section six and sections seven and eight of this Act, and Part I of this Schedule, shall apply in relation to any application or direction under this paragraph as if references to building regulations included references to building byelaws, and as if an application or direction under this paragraph were an application or direction under the said section six.

(3) Any application for the relaxation of or dispensation with the requirements of a building byelaw under section sixty-three of the Public Health Act, 1936, which is pending at the appointed date shall have effect after the appointed date as if it were an application under sub-paragraph (1) of this paragraph.

(4) Where under the said section sixty-three notice of any proposed relaxation or dispensation has been given before the appointed date, no notice need be published or given under section eight of this Act as regards that relaxation or dispensation.

10. The amendments made by section five of this Act and Part III of this Schedule in any enactment shall not apply so as to exclude from that enactment any reference to building byelaws as in force before the appointed date, or as continued in force by this Part of this Schedule.

11. Subsection (2) of section ten of this Act shall not apply in relation to any plans deposited before the appointed date.

### PART III

#### CONSEQUENTIAL AMENDMENTS

##### *The Restriction of Ribbon Development Act, 1935* 25 & 26 Geo. 5. c. 47

In section seventeen, in subsection (1), after the word "byelaw" there shall be inserted the words "or building regulations".

##### *The Public Health Act, 1936* 26 Geo. 5 & 1 Edw. 8. c. 49

In section twenty-five, in subsection (1), for the word "byelaws" there shall be substituted the word "regulations".

**1ST SCH.**

In section thirty-seven, in subsection (1), for the word "byelaws" there shall be substituted the word "regulations".

In section forty-three, in subsection (1), for the word "byelaws" there shall be substituted the word "regulations".

In section fifty-three, in subsections (1) and (2), for the word "byelaws" wherever it occurs, there shall be substituted the word "regulations" and in subsection (7), for the words "A local authority may by their building byelaws" there shall be substituted the words "The Minister may by building regulations"; and for the words "in the byelaws" there shall be substituted the words "in the regulations".

In section fifty-four, in subsection (1), for the word "byelaws" there shall be substituted the word "regulations".

In section fifty-five, in subsection (1), for the word "byelaws" there shall be substituted the word "regulations".

In section fifty-nine, in subsection (1) and paragraph (d) of subsection (5), for the word "byelaws" there shall be substituted the word "regulations".

In section sixty-one, in subsection (1), for the words "Every local authority may and, if required by the Minister, shall make byelaws" there shall be substituted the words "The Minister shall, subject to the provisions of the Public Health Act, 1961, have power to make regulations"; and in subsection (2) for the word "Byelaws" there shall be substituted the word "Regulations".

In section sixty-two, in subsection (1) and paragraph (c) of subsection (2), for the word "byelaws" wherever it occurs there shall be substituted the word "regulations".

In section sixty-four, for the words "byelaw" and "byelaws" wherever they occur there shall be substituted the words "regulation" and "regulations" respectively.

In section sixty-five, for the words "byelaw" and "byelaws" wherever they occur there shall be substituted the words "regulation" and "regulations" respectively.

In section sixty-six, in subsection (1), for the word "byelaws" wherever it occurs there shall be substituted the word "regulations".

In section sixty-seven, for the word "byelaws" wherever it occurs there shall be substituted the word "regulations".

In section seventy, in subsection (2), for the word "appended" there shall be substituted the word "kept".

In section seventy-one, for the word "byelaws" wherever it occurs there shall be substituted the word "regulations".

In section ninety, in subsections (2) and (3), for the word "byelaws" wherever it occurs there shall be substituted the word "regulations".

In section one hundred and thirty-seven, in subsection (1) for the word "byelaws" there shall be substituted the word "regulations".

In section two hundred and sixty-nine, in subsection (8), in paragraph (i), for the words "the building byelaws of the local authority" there shall be substituted the words "building regulations".

In section two hundred and eighty-four, in subsection (2), after the word "byelaws" there shall be inserted the words "building regulations".

In section two hundred and eighty-seven, in subsection (1), after the word "byelaws" wherever it occurs there shall be inserted the words "or building regulations".

In section two hundred and eighty-eight, after the word "byelaw" there shall be inserted the words "building regulation".

In section two hundred and ninety-nine, after the word "byelaws" wherever it occurs there shall be inserted the words "or building regulations".

In section three hundred and forty-three, in subsection (1), for the word "byelaws" where it occurs for the first and second time there shall be substituted the word "regulations".

*The Civil Defence Act, 1939*  
2 & 3 Geo. 6. c. 31

Section thirty-three shall be amended as follows—

- (a) in subsection (4), in paragraph (a), for the words from "relate to areas" to "were building byelaws" there shall be substituted the words "apply outside the administrative county of London as if the regulations were building regulations", and
- (b) in subsection (7), for the word "byelaws" there shall be substituted the word "regulations".

*The Clean Air Act, 1956*  
4 & 5 Eliz. 2. c. 52

In section ten, for the word "byelaws" wherever it occurs there shall be substituted the word "regulations".

In section twenty-four, for the word "byelaws" there shall be substituted the word "regulations".

In section twenty-nine, in subsection (1), for the word "byelaws" there shall be substituted the word "regulations".

The amendments of the said sections ten, twenty-four and twenty-nine do not affect the law in the administrative county of London or in Scotland and, accordingly, in subsection (6) of section thirty-two, and in subsection (1) of section thirty-four (which adapt the Act in its application to London and to Scotland) for the words "building byelaws" there shall be substituted the words "building regulations".

*The Housing Act, 1957*  
5 & 6 Eliz. 2 c. 56

In section twelve, in subsection (4), after the words "building byelaws" there shall be inserted the words "or building regulations".

In section twenty-nine, in subsection (2), after the words "building byelaws" there shall be inserted the words "or building regulations".

## 1ST SCH.

In section fifty-nine, in subsection (2), after the words "building byelaws" there shall be inserted the words "or building regulations".

*The Highways Act, 1959**7 & 8 Eliz. 2. c. 25*

In section one hundred and ninety-two, in subsection (1), for the word "byelaws" there shall be substituted the word "regulations".

In section one hundred and ninety-three, in subsection (1), for the word "byelaws" there shall be substituted the word "regulations".

In section two hundred and thirteen, in subsections (1) and (2), for the word "byelaws" there shall be substituted the word "regulations".

## Section 12.

## SECOND SCHEDULE

## SUPPLEMENTARY PROVISIONS CONCERNING SEWERAGE CONTRIBUTIONS

*Establishment of actual and estimated cost per yard of sewer*

1.—(1) As soon as may be after a resolution has been passed for the purposes of section twelve or section thirteen of this Act and the actual cost of constructing the sewer to which the resolution relates has been ascertained, the local authority shall serve on the owners of the premises fronting the street or the part of the street in which the sewer is constructed a notice specifying—

- (a) the amount of the actual cost per yard of the sewer constructed in the street or part of the street, and
- (b) the amount which the local authority estimate as the cost per yard of a sewer having an internal diameter of nine inches constructed in the street or part of the street at a depth of seven feet,

and every such notice shall state that the lesser of these amounts will be relevant in computing the amount of any payment recoverable under section twelve or section thirteen of this Act, as the case may be, in respect of those premises, and shall give particulars of the right of objection conferred by the next following paragraph.

(2) The cost per yard of a sewer constructed in a street or part of a street shall be computed by the local authority by dividing the cost of constructing that sewer by its extent in yards.

2.—(1) Any person on whom a notice is served under the foregoing paragraph may within one month of the date of the notice serve on the local authority an objection in writing to the correctness of any amount specified by that notice.

(2) If an objection is made under this paragraph within the said period and is not withdrawn, the local authority shall, 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 all the objectors notice of the time and place so appointed.

(3) At the hearing the court may direct that there be substituted for any amount specified in the notice such other amount as the court may determine.

(4) Subject to any direction by a court on the hearing of objections under this paragraph (whether at first instance or on appeal), the amounts specified in the notice shall be conclusive for all purposes.

2ND SCH.

#### *Recovery of payments*

3.—(1) Whenever a payment becomes recoverable in respect of any premises, the local authority shall serve a notice specifying the amount of the payment on the owner of the premises for the time being, and may recover that amount together with interest thereon from the date of the notice from that person :

Provided that no notice shall be served under this paragraph before the amount of the actual and estimated cost per yard of the sewer has been conclusively established.

(2) A notice under this paragraph shall give particulars of the power of remission and the right of appeal conferred by subsection (8) of section twelve of this Act.

4. The rate of interest chargeable under the last foregoing paragraph shall be such rate as the local authority may determine not exceeding the maximum rate fixed by the Minister for the purpose of section two hundred and ninety-one of the Public Health Act, 1936, at the time when the notice is served, or, if different maximum rates are then so fixed, the highest of those rates.

5. The payment recoverable in respect of any premises together with interest thereon from the date of the notice served under paragraph 3 of this Schedule shall, from that date until recovered, be a charge on the premises and on all estates and interests therein.

#### *Interpretation*

6.—(1) A building shall be deemed to be erected after the date on which a resolution comes into operation unless its erection was complete before that date.

(2) A building shall be deemed to be erected—

- (a) if any part of the building is wholly or partly re-erected when the outer wall of that part has been demolished (otherwise than in consequence of fire or other accident) to within ten feet of the surface of the ground adjoining the lowest storey of that part ;
- (b) if (not having been originally constructed for human habitation) it is converted into a house ;
- (c) if it is converted into a factory, shop or place of public resort ;
- (d) if it is extended so that the area occupied by the site of the building will (with any previous extension made since the date on which a resolution came into operation in relation to the building) be increased by an area of more than one-eighth or, in the case of a building constructed for agricultural purposes, one-quarter, of that occupied by the site of the building before that date ;

and subsection (2) of section ninety of the Public Health Act, 1936 (which specifies operations which are deemed to be the erection of a building), shall not apply in relation to section twelve or section thirteen of this Act.

## 2ND SCH.

7.—(1) References to premises on which a building is erected are references to the building and any land occupied with the building.

(2) References to “fronting” include references to adjoining and abutting and “frontage” shall be construed accordingly.

*Proof of publication of resolutions*

8. Publication of a notice of a resolution for the purposes of section twelve or section thirteen of this Act in a newspaper and the date of any such publication may be proved by the production of a photostatic or other reproduction certified by the clerk of the local authority to be a true reproduction of a page or part of a page of that newspaper bearing the date of its publication and containing the notice.

## THIRD SCHEDULE

CONSENTS REQUIRED FOR EXECUTION OF CERTAIN WORKS  
IN STREETS

1. In this Schedule “the authority” means the county council, local authority or parish council having power to carry out the works to which this Schedule applies.

2. The authority shall not carry out any works to which this Schedule applies in any such situation or position as is described in the first column of the following Table except with the consent of the person described in relation thereto in the second column of that Table.

## TABLE

|                                                                                                                                                                                                                               |                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| In any street which is a highway for which there is a highway authority other than the authority carrying out the works.                                                                                                      | The highway authority.                                                                          |
| In any street belonging to and repairable by any railway, dock, harbour, canal, inland navigation or passenger road transport undertakers and forming the approach to any station, dock, wharf or depot of those undertakers. | The undertakers.                                                                                |
| On any bridge not vested in the authority carrying out the works or on the approaches to any such bridge.                                                                                                                     | The authority or other person in whom the bridge is vested.                                     |
| On any bridge carrying a street over any railway, canal or inland navigation, or on the approaches to any such bridge, or under any bridge carrying a railway, canal or inland navigation over a street.                      | The railway, canal or inland navigation undertakers concerned.                                  |
| Except in the case of works under section forty-four of this Act, in a position obstructing or interfering with any existing access to any land or premises abutting upon a street.                                           | The owner (as defined by the Public Health Act, 1936) and the occupier of the land or premises. |

3. Any consent required by this Schedule in respect of any works shall not unreasonably be withheld but may be given subject to any reasonable conditions, including a condition that the authority shall remove the works either at any time or at or after the expiration of a period if reasonably required so to do by the person giving the consent.

4. Any dispute between the authority and a person whose consent is required under this Schedule as to whether that consent

Sections 43,  
44 and 51.

is unreasonably withheld or is given subject to reasonable conditions, or whether the removal of anything to the provision of which the consent relates in accordance with any condition of the consent is reasonably required, shall—

3RD SCH.

- (a) in the case of a dispute between the authority and the Minister of Transport, be referred to and determined by an arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers, and
- (b) in any other case, be referred to and determined by the Minister of Transport, who may cause a local inquiry to be held for that purpose,

and section two hundred and ninety of the Local Government Act, 1933, shall apply in relation to a local inquiry held under this paragraph as it applies in relation to such an inquiry held under that Act.

## FOURTH SCHEDULE

Section 45.

## ATTACHMENT OF STREET LIGHTING EQUIPMENT TO CERTAIN BUILDINGS

As regards buildings of the descriptions in the first column of the following Table the appropriate authority for the purposes of section forty-five of this Act shall be the person specified in the second column of that Table (and not a magistrates' court).

## TABLE

|                                                                                                                                                                                                    |                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| A building which is for the time being included in a list published under section 12 of the Ancient Monuments Consolidation and Amendment Act, 1913.                                               | The Minister of Works.                        |
| A building which is subject to a building preservation order under section 29 of the Town and Country Planning Act, 1947, or included in a list compiled or approved under section 30 of that Act. | The Minister of Housing and Local Government. |
| A building owned by railway, canal, dock, harbour or inland navigation undertakers.                                                                                                                | The Minister of Transport.                    |
| A building owned by electricity or gas undertakers or the National Coal Board.                                                                                                                     | The Minister of Power.                        |
| A building owned by statutory water undertakers.                                                                                                                                                   | The Minister of Housing and Local Government. |
| A building forming part of an aerodrome licensed under the Civil Aviation Act, 1949, or any enactment repealed by that Act.                                                                        | The Minister of Aviation.                     |
| A building owned by a county council, local authority or parish council or parish meeting who are not the street lighting authority concerned.                                                     | The Minister of Housing and Local Government. |
| A building owned by a development corporation established under the New Towns Act, 1946, or the Commission for the New Towns established under the New Towns Act, 1959.                            | The Minister of Housing and Local Government. |

## Section 86.

## FIFTH SCHEDULE

## ENACTMENTS REPEALED

## PART I

## REPEALS CONSEQUENT ON BUILDING REGULATION PROVISIONS

| Session and Chapter                  | Short Title                                                  | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 & 4 Geo. 5.<br>c. 32.              | The Ancient Monuments Consolidation and Amendment Act, 1913. | Section eighteen except as it applies in the administrative county of London.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 26 Geo. 5 and<br>1 Edw. 8.<br>c. 49. | The Public Health Act, 1936.                                 | <p>In section twenty-five, subsection (3).</p> <p>In section sixty-one, in subsection (2), the word "estimates" and subsection (3).</p> <p>Section sixty-three.</p> <p>In section sixty-six, subsections (2) and (3).</p> <p>Section sixty-eight as from the passing of this Act.</p> <p>Section sixty-nine.</p> <p>In section seventy, in paragraph (b) of subsection (1), the words from the beginning to "thirty-one, and", the words "or section fifteen of the Public Health Acts Amendment Act, 1907" and the words "in question".</p> <p>In section three hundred and forty-three, in subsection (1), in the definition of "building byelaws", the words from "and includes" to the end of the definition.</p> |
| 2 & 3 Geo. 6.<br>c. 31.              | The Civil Defence Act, 1939.                                 | In section thirty-three, in subsection (6), the words "Any building byelaws, or".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 10 & 11 Geo. 6.<br>c. 39.            | The Statistics of Trade Act, 1947.                           | In section fourteen, subsections (1) and (2).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 5 & 6 Eliz. 2.<br>c. 56.             | The Housing Act, 1957 ...                                    | <p>In section one hundred and forty-eight, subsection (3).</p> <p>In section one hundred and eighty-nine, in the definition of "building byelaws" in subsection (1) the words "or section sixty-one of the Public Health Act, 1936" and the words "new buildings, including the drainage thereof, and".</p>                                                                                                                                                                                                                                                                                                                                                                                                           |



**PART II**  
**OTHER REPEALS**

5TH SCH.

| Session and Chapter                  | Short Title                                               | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------|-----------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 53 & 54 Vict.<br>c. 59.              | The Public Health Acts Amendment Act, 1890.               | Section thirty-eight, but without prejudice to any byelaws in force under that section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 15 & 16 Geo. 5.<br>c. 71.            | The Public Health Act, 1925.                              | In section forty-four, in the proviso to subsection (1), the words "or public holiday".                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 26 Geo. 5 and<br>1 Edw. 8.<br>c. 49. | The Public Health Act, 1936.                              | In section two, subsection (3).<br><br>In section fifty-eight, in subsection (1), the words from "to persons in the building" to the end of the first paragraph (b), the words "in the first-mentioned case", and paragraph (ii); and the whole of subsection (3).<br><br>In section seventy-six, paragraph (a) of subsection (1).<br><br>In section two hundred and forty-nine, subsection (3) as it applies both in London and elsewhere.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 1 Edw. 8. and<br>1 Geo. 6.<br>c. 40. | The Public Health (Drainage of Trade Premises) Act, 1937. | In subsection (1) of section one, the words "and of any byelaws under this Act which are for the time being in force" and the words "or, so far as is permitted by any such byelaws as aforesaid, without such consent".<br><br>In subsection (3) of section two, the words from "and" at the end of paragraph (d) to the end of the subsection.<br><br>In section three (except as regards appeals instituted before the commencement of this Act), in subsection (1), the words from "and upon" to the end of the subsection, and subsection (3).<br><br>In subsection (5) of section four, the proviso.<br>Sections five and six.<br>In section seven, in subsection (1), the words "and of any trade effluents byelaws for the time being in force", and in subsection (4), the words "or in any trade effluents byelaws" and the words from "or the" to the end of the subsection.<br>Section eight.<br>The Schedule. |

## 5TH SCHED.

| Session and Chapter   | Short Title                    | Extent of Repeal                    |
|-----------------------|--------------------------------|-------------------------------------|
| 5 & 6 Eliz. 2. c. 42. | The Parish Councils Act, 1957. | In section three, subsection (7).   |
| 7 & 8 Eliz. 2. c. 25. | The Highways Act, 1959         | Section one hundred and forty-five. |

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

| Short Title                                              | Session and Chapter                |
|----------------------------------------------------------|------------------------------------|
| Larceny Act, 1861 ... ..                                 | 24 & 25 Vict. c. 96.               |
| Public Health Act, 1875... ..                            | 38 & 39 Vict. c. 55.               |
| Interpretation Act, 1889 ... ..                          | 52 & 53 Vict. c. 63.               |
| Public Health Acts Amendment Act, 1890 ... ..            | 53 & 54 Vict. c. 59.               |
| Local Government Act, 1894 ... ..                        | 56 & 57 Vict. c. 73.               |
| Open Spaces Act, 1906 ... ..                             | 6 Edw. 7. c. 25.                   |
| Public Health Acts Amendment Act, 1907 ... ..            | 7 Edw. 7. c. 53.                   |
| Ancient Monuments Consolidation and Amendment Act, 1913. | 3 & 4 Geo. 5. c. 32.               |
| Supreme Court of Judicature (Consolidation) Act, 1925.   | 15 & 16 Geo. 5. c. 49.             |
| Public Health Act, 1925... ..                            | 15 & 16 Geo. 5. c. 71.             |
| Petroleum (Consolidation) Act, 1928 ... ..               | 18 & 19 Geo. 5. c. 32.             |
| Rating and Valuation (Apportionment) Act, 1928.          | 18 & 19 Geo. 5. c. 44.             |
| Land Drainage Act, 1930 ... ..                           | 20 & 21 Geo. 5. c. 44.             |
| Local Government Act, 1933 ... ..                        | 23 & 24 Geo. 5. c. 51.             |
| Restriction of Ribbon Development Act, 1935              | 25 & 26 Geo. 6. c. 47.             |
| Public Health Act, 1936... ..                            | 26 Geo. 5 & 1 Edw. 8. c. 49.       |
| Public Health (Drainage of Trade Premises) Act, 1937.    | 1 Edw. 8 & 1 Geo. 6. c. 40.        |
| Civil Defence Act, 1939 ... ..                           | 2 & 3 Geo. 6. c. 31.               |
| Water Act, 1945 ... ..                                   | 8 & 9 Geo. 6. c. 42.               |
| New Towns Act, 1946 ... ..                               | 9 & 10 Geo. 6. c. 68.              |
| Statistics of Trade Act, 1947 ... ..                     | 10 & 11 Geo. 6. c. 39.             |
| Town and Country Planning Act, 1947                      | 10 & 11 Geo. 6. c. 51.             |
| River Boards Act, 1948 ... ..                            | 11 & 12 Geo. 6. c. 32.             |
| Civil Aviation Act, 1949 ... ..                          | 12, 13 & 14 Geo. 6. c. 67.         |
| Town Development Act, 1952 ... ..                        | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 54. |
| Magistrates' Courts Act, 1952 ... ..                     | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55. |
| London County Council (General Powers) Act, 1953.        | 1 & 2 Eliz. 2. c. xliii.           |
| Licensing Act, 1953 ... ..                               | 1 & 2 Eliz. 2. c. 46.              |
| Protection of Birds Act, 1954 ... ..                     | 2 & 3 Eliz. 2. c. 30.              |
| Atomic Energy Act, 1954 ... ..                           | 2 & 3 Eliz. 2. c. 32.              |
| Mines and Quarries Act, 1954 ... ..                      | 2 & 3 Eliz. 2. c. 70.              |
| Food and Drugs Act, 1955 ... ..                          | 4 & 5 Eliz. 2. c. 16.              |
| Clean Air Act, 1956 ... ..                               | 4 & 5 Eliz. 2. c. 52.              |
| Parish Councils Act, 1957 ... ..                         | 5 & 6 Eliz. 2. c. 42.              |
| Housing Act, 1957 ... ..                                 | 5 & 6 Eliz. 2. c. 56.              |
| Highways Act, 1959 ... ..                                | 7 & 8 Eliz. 2. c. 25.              |
| New Towns Act, 1959 ... ..                               | 7 & 8 Eliz. 2. c. 62.              |
| Land Compensation Act, 1961 ... ..                       | 9 & 10 Eliz. 2. c. 33.             |

## CHAPTER 65

### ARRANGEMENT OF SECTIONS

#### PART I

#### FINANCIAL ASSISTANCE FOR HOUSING ACCOMMODATION PROVIDED BY LOCAL AUTHORITIES AND OTHER PUBLIC BODIES

##### *Exchequer subsidies for new housing accommodation*

##### Section

1. Dwellings qualifying for subsidies.
2. Power to abolish or reduce subsidies.
3. Dwellings provided by local authorities for town development and other special purposes, and dwellings provided by other bodies.
4. Other dwellings provided by local authorities.
5. Subsidies for flats, expensive sites and agricultural dwellings.
6. Increases in respect of rights of support and houses constructed to preserve the character of surroundings.

##### *Advances to housing associations providing housing accommodation for letting*

7. Advances to housing associations providing housing accommodation for letting.

##### *Miscellaneous*

8. Reduction of withholding of subsidies in respect of housing provided in pursuance of special arrangements with Minister.
9. Grants for hostels.
10. Payments for town development.
11. Interpretation of Part I and consequential and other amendments.

#### PART II

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12. Power to apply management code to houses in multiple occupation.
13. Regulations prescribing management code.
14. Power to require doing of work to make good neglect of proper standards of management.
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18. Carrying out of works by local authority.
19. Directions to prevent or reduce overcrowding in houses in multiple occupation.
20. Offences under s. 90 of principal Act.
21. Application of ss. 12 to 15 to certain buildings comprising separate dwellings.
22. Registers of houses in multiple occupation.
23. Supplemental provisions.

##### *Reconditioning of condemned houses*

24. Exclusion of houses from clearance order.
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26. Power to substitute closing order for demolition order to enable a house to be used otherwise than for human habitation.
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## PART III

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*Private improvements in housing*

## Section

29. Permitted rent increase for improvements.  
 30. Standard grant for provision of hot water supply and water closets.  
 31. Provisions relating to improvement grants and standard grants.

*Repairing obligations*

32. Repairing obligations in short leases of dwelling-houses.  
 33. Application of s. 32 and restriction on contracting out.

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34. Town development.

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35. Financial provisions.  
 36. Short title, interpretation, commencement, extent and repeals.

## SCHEDULES:

First Schedule—Exchequer subsidies for local authorities in special cases.

Second Schedule—Amendments of enactments relating to financial assistance for housing accommodation.

Third Schedule—Orders excluding buildings from a clearance area.

Fourth Schedule—Repeals.

**An Act to make further arrangements for the giving of financial assistance for the provision of housing accommodation, to confer further powers on local authorities as regards houses let in lodgings or occupied by more than one family, and houses or other buildings affected by clearance orders and demolition orders, to amend section five of the Rent Act, 1957, by allowing a greater increase in the permitted rent for improvements, to alter the circumstances in which improvement grants and standard grants may be made under Part II of the Housing (Financial Provisions) Act, 1958, and the Housing and House Purchase Act, 1959, to amend the law with respect to repairing obligations in short tenancies of dwelling-houses, and to amend the Town Development Act, 1952, as regards development carried out wholly or partly in a county borough and as regards the assistance which may be given by a county council for town development; and for purposes connected with any of those matters.** [24th October, 1961]

**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

FINANCIAL ASSISTANCE FOR HOUSING ACCOMMODATION  
PROVIDED BY LOCAL AUTHORITIES AND OTHER PUBLIC  
BODIES*Exchequer subsidies for new housing accommodation*

1.—(1) Exchequer subsidies shall be payable out of money <sup>Dwellings</sup> provided by Parliament in accordance with the provisions of <sup>qualifying for</sup> this Part of this Act in respect of, and in certain circumstances <sup>subsidies.</sup> in respect of the site of, any new dwelling which is—

- (a) provided by a local authority in the exercise of their powers to provide housing accommodation, or
- (b) provided by a development corporation otherwise than in pursuance of authorised arrangements made with a local authority, or
- (c) provided by a development corporation in pursuance of authorised arrangements made with a local authority, or
- (d) provided by a housing association in pursuance of authorised arrangements made with a local authority or special arrangements made with the Minister,

and which is approved for the purposes of those provisions by the Minister.

Such a dwelling which is so approved is hereafter in this Part of this Act referred to as an “approved dwelling”.

(2) Any exchequer subsidy payable under this Part of this Act shall be paid to the authority or other person by whom the dwelling was provided, except that an exchequer subsidy payable in respect of, or of the site of, a dwelling provided in pursuance of authorised arrangements made with a local authority shall be paid to the local authority, who shall pay to the development corporation or housing association, as the case may be, by way of annual grant an amount not less than the exchequer subsidy.

(3) An exchequer subsidy shall not be payable under this Part of this Act in respect of a dwelling or the site of a dwelling except where—

- (a) in the case where the dwelling falls under paragraph (a) or (b) of subsection (1) of this section, the tender or estimate for its erection was accepted by a formal resolution of the authority or corporation passed on or after the sixteenth day of February, nineteen hundred and sixty-one;
- (b) in a case where the dwelling falls under paragraph (c) or paragraph (d) of subsection (1) of this section, the arrangements were made on or after the said sixteenth day of February:

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## Provided that—

- (i) a formal resolution passed as aforesaid accepting a tender or estimate which was submitted to the Minister for approval before the said sixteenth day of February shall be deemed for the purposes of this subsection to have been passed before that day; and
- (ii) where, on approving any authorised arrangements made with a local authority on or after the said sixteenth day of February the Minister is satisfied that the substantial effect of those arrangements had been agreed between the parties before that day, those arrangements shall be deemed for the purposes of this subsection to have been made before that day.

(4) In section four of the New Towns Act, 1959 (under which exchequer subsidies under section one of the Housing (Financial Provisions) Act, 1958, are payable in respect of dwellings provided by the Commission for the New Towns), for references to such exchequer subsidies there shall be substituted references to exchequer subsidies under this section, and exchequer subsidies payable by virtue of this subsection shall, subject to the provisions of the said section four, be payable in accordance with the provisions of this Act and the said Act of 1958 applying in relation to approved dwellings provided by a development corporation otherwise than in pursuance of authorised arrangements.

(5) No subsidy shall be payable under section one of the Housing (Financial Provisions) Act, 1958, in respect of any dwelling qualified to be considered for approval by the Minister under subsection (1) of this section.

Power to  
abolish  
or reduce  
subsidies.

2.—(1) The Minister may from time to time by order direct that in respect of, or of the site of, dwellings of any description specified in the order, or such dwellings in any area so specified, exchequer subsidies under this Act—

- (a) shall cease to be payable, or
- (b) shall be reduced to such amount as may be specified in the order, or
- (c) shall be payable for such reduced number of years as may be so specified.

(2) Subject to subsection (4) of this section, an order under this section,—

- (a) so far as it relates to any dwelling, or the site of any dwelling, provided otherwise than in pursuance of authorised arrangements made with a local authority or special arrangements made with the Minister, shall be expressed to apply to a dwelling, or the site of a dwelling, the tender or estimate for the erection of which is accepted by a formal resolution passed on or after a date specified in the order, and

## PART I

- (b) so far as it relates to any dwelling, or the site of any dwelling, provided in pursuance of any such arrangements, shall be expressed to apply to a dwelling, or the site of a dwelling, provided in pursuance of arrangements made on or after that date.

(3) An order under this section shall be made by statutory instrument and—

- (a) shall not be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament; and

- (b) shall not specify a date under the last foregoing subsection earlier than the laying of the draft;

and before laying such a draft the Minister shall consult with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable.

(4) Subsection (2) of this section and paragraph (b) of the last foregoing subsection shall not apply to an order made more than ten years after the passing of this Act and accordingly such an order may affect exchequer subsidies payable under this Part of this Act in respect of dwellings, or the site of dwellings, completed before as well as after the making of the order.

3.—(1) In respect of each approved dwelling—

- (a) provided by a local authority in the course of a scheme of town development as defined by the Town Development Act, 1952, carried out with the approval of the Minister wholly or partly in the area of that authority, or

- (b) provided by the local authority of a congested or overpopulated area in some other area as part of a scheme of comprehensive development the general character of which is, in the opinion of the Minister, similar to development for the purposes of a new town under the New Towns Act, 1946, or

- (c) provided by a development corporation otherwise than in pursuance of authorised arrangements made with a local authority,

the Minister shall pay for each of the sixty years following the completion of the dwelling an annual exchequer subsidy of twenty-eight pounds.

(2) In respect of each approved dwelling—

- (a) provided by a local authority for the accommodation of persons coming from outside the area of that authority in order to meet the urgent needs of industry, where the dwelling has been so provided in accordance

Dwellings provided by local authorities for town development and other special purposes, and dwellings provided by other bodies.

## PART I

with arrangements approved by the Minister as being desirable by reason of special circumstances and so long as any conditions laid down by the Minister on the giving of his approval are complied with, or

- (b) provided by a development corporation in pursuance of authorised arrangements made with a local authority, or
- (c) provided by a housing association in pursuance of authorised arrangements made with a local authority or special arrangements made with the Minister,

the Minister shall pay for each of the sixty years following the completion of the dwelling an annual exchequer subsidy of twenty-four pounds.

Other dwellings provided by local authorities.

4.—(1) In respect of each approved dwelling provided by a local authority, not being a dwelling to which the last foregoing section applies, the Minister shall pay for each of the sixty years following the completion of the dwelling an annual exchequer subsidy of an amount determined as follows.

(2) The amount shall depend on whether for the relevant financial year—

- (a) the amounts carried to the credit of the local authority's Housing Revenue Account,

would be less than—

- (b) the amounts debited to that Account,

assuming that there is substituted for the income in that year from rents in respect of houses within the Account and any amount carried to the credit of the Account under sub-paragraph (5) or sub-paragraph (6) of paragraph 1 of the Fifth Schedule to the Housing (Financial Provisions) Act, 1958, a sum equal to twice the gross value of the local authority's houses.

In making the comparison required by this subsection any surplus brought forward from the previous financial year shall be excluded from the amounts carried to the credit of the Account, and any surplus shown in the Account at the end of the financial year shall be excluded from the amounts debited to the Account.

(3) If it appears to the Minister that the amount carried to the credit of the Housing Repairs Account from the Housing Revenue Account in accordance with subsection (1) of section fifty-one of the said Act of 1958 (which requires a local authority to make a contribution to the Housing Repairs Account of a minimum amount equal to eight pounds for every dwelling within the Housing Revenue Account) is, to the extent



## PART I

that it exceeds that minimum amount, excessive having regard to the previous practice of the local authority and to any other circumstances, he may, after consulting the local authority, direct that for the purposes of subsection (2) of this section some part of the contribution, so far as it exceeds that minimum amount, shall be left out of account.

(4) The amount, if any, by which the sum under paragraph (a) of subsection (2) of this section is, on the assumption there made, less than the sum under paragraph (b) of that subsection is hereafter in this section referred to as the amount of the deficit as ascertained under this section and, subject to the next following subsection, the amount of the annual exchequer subsidy in respect of the dwelling—

- (a) if for the relevant financial year there is a deficit as ascertained under this section, shall be twenty-four pounds together with the sum, if any, to be added under Part I of the First Schedule to this Act, and
- (b) if there is no such deficit, shall be eight pounds.

(5) If for the relevant financial year there is no such deficit, but the sum under paragraph (a) of subsection (2) of this section does not, on the assumption there made, exceed the sum under paragraph (b) of that subsection by more than the difference between—

- (a) the annual amount of the exchequer subsidies which, if there had been such a deficit for the relevant financial year, would have been payable to the local authority under this section in respect of the dwelling and all other dwellings to which this section applies completed by the local authority in the same financial year (that is to say twenty-four pounds for each dwelling in question), and
- (b) the annual amount which would be so payable but for this subsection (that is to say eight pounds for each dwelling in question),

the amount of the annual exchequer subsidy in respect of the dwelling shall be twenty-four pounds, and not eight pounds.

(6) Part II of the First Schedule to this Act (which defines the relevant financial year and gross value) shall apply for the purposes of this section.

(7) For the purposes of subsection (2) of this section any rent payable partly for houses within the Account and partly for premises not used for the purposes of a private dwelling shall be apportioned, and the part attributable to the houses shall be taken into account under that subsection.

## PART I

(8) In this section and the First Schedule to this Act "house" includes a dwelling; and expressions defined by this section shall have the same meanings when used in the said Schedule.

Subsidies for flats, expensive sites and agricultural dwellings.

5.—(1) If an approved dwelling is a flat in a block of flats of four or more storeys, the amount of the annual exchequer subsidy payable under this Part of this Act shall be the amount payable under the foregoing sections of this Act plus—

- (a) in the case of a flat in a block of flats of four storeys, eight pounds,
- (b) in the case of a flat in a block of flats of five storeys, fourteen pounds,
- (c) in the case of a flat in a block of flats of six or more storeys, twenty-six pounds, increased by one pound fifteen shillings for each storey by which the block exceeds six storeys.

(2) Section seven of the Housing (Financial Provisions) Act, 1958 (which authorises the payment of subsidies for expensive sites), shall apply in relation to an approved dwelling as defined in this Part of this Act as it applies in relation to an approved dwelling as defined in Part I of that Act.

(3) If the Minister thinks fit so to determine in the case of any dwelling provided by the council of a county district, or in pursuance of authorised arrangements to which the council of a county district are parties, by way of housing accommodation required for the agricultural population of that district, the amount of the annual exchequer subsidy payable under this Part of this Act shall be the amount payable under the foregoing provisions of this Act plus nine pounds.

This subsection shall not apply to a flat in a block of flats of four or more storeys.

Increases in respect of rights of support and houses constructed to preserve the character of surroundings.

6. Subsections (1) and (2) of section eight of the Housing (Financial Provisions) Act, 1958 (under which subsidies under that Act may be increased to meet expenses to secure protection against the consequences of a subsidence of the site or expenses attributable to special materials and methods of construction), shall apply in relation to annual exchequer subsidies payable under this Part of this Act as they apply to annual exchequer subsidies payable under the said Act of 1958, but as if—

- (a) references in that section to authorised arrangements made by a housing association included references to special arrangements made by a housing association with the Minister, and
- (b) references in that section to section six of the said Act were omitted.

*Advances to housing associations providing housing accommodation for letting*

**PART I**

7.—(1) If a housing association registered under the Industrial and Provident Societies Act, 1893, submit to the Minister a scheme under which they will provide housing accommodation and satisfy the Minister that under the scheme the housing accommodation so provided will be kept available for letting, except at such times and in such cases as the Minister may approve, the Minister may in accordance with this section make advances to the housing association.

Advances to housing associations providing housing accommodation for letting.

(2) The Minister may, in accordance with an agreement made by him with the housing association, make, on such terms and conditions as he may approve, advances to the housing association to meet the whole or any part of the expenditure incurred by the housing association in connection with the scheme, and the advances—

- (a) shall carry interest at the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities made on the same date and for the same period, and
- (b) shall be repayable over such a period, not exceeding sixty years, and on such terms as may be approved by the Treasury and provided in the agreement.

(3) Advances under this section shall not together exceed the sum of twenty-five million pounds.

(4) It shall be the duty of a housing association who have entered into an agreement under this section to comply with any directions which the Minister may give to them with respect to the administration of the scheme and the disposal of assets provided under the scheme.

(5) The Treasury may issue to the Minister, out of the Consolidated Fund, such sums as are necessary to enable him to make advances under this section, 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 (2) of this section shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the

**PART I**

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, in respect of 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 section, and of sums received by him under 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 in the following year; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

(8) In this section references to the provision of housing accommodation are references to the provision of housing accommodation whether by building new houses, or by the conversion or improvement of existing houses or other buildings.

*Miscellaneous*

Reduction or withholding of subsidies in respect of housing provided in pursuance of special arrangements with Minister.

**8.—**(1) If the Minister is satisfied that a housing association have made default in giving effect to the terms of special arrangements made with the Minister for the provision of dwellings he may reduce the amount of any exchequer subsidy in respect of the dwellings or suspend or discontinue the payment thereof as he thinks just.

(2) Where any dwelling provided by a housing association under special arrangements made with the Minister becomes vested in a local authority—

- (a) no further exchequer subsidy shall, after the time of the vesting, become payable by the Minister in respect of the dwelling, and
- (b) the Minister may, if he thinks fit, pay out of money provided by Parliament to the local authority a sum equivalent to any exchequer subsidy which would, after the said time, have become payable to the housing association in respect of the dwelling if all conditions precedent to the payment of the subsidy had been at all material times observed,

and any payment which the Minister is authorised to make under paragraph (b) of this subsection shall be included in the expression “exchequer payment” as defined in subsection (2) of section fifty-eight of the Housing (Financial Provisions) Act, 1958.

**PART I**

(3) No exchequer subsidy shall be paid to a housing association in respect of a dwelling provided in pursuance of special arrangements made with the Minister if, before the payment is made, the Minister is satisfied that, during the whole or the greater part of the period to which the payment is referable, the dwelling in respect of which the payment would be made has not been available as a dwelling fit for habitation (according to the standards of fitness for habitation imposed by section four of the Housing Act, 1957):

Provided that this subsection shall not apply if the Minister is satisfied that the dwelling could not with reasonable diligence have been made available, during the whole or the greater part of the period to which the exchequer subsidy is referable, as a dwelling fit for habitation.

Any question under this subsection as to the period to which an exchequer subsidy is referable shall be determined by the Minister.

9.—(1) Section fifteen of the Housing (Financial Provisions) Act, 1958 (under which grants may be made by the Minister to a local authority, development corporation or housing association providing a hostel), shall apply to any building provided or converted after the commencement of this Act for use as part of a hostel as it applies to a building provided or converted for use as a hostel, and at the end of subsection (4) of the said section fifteen (which defines the expression "hostel") for the words "and board" there shall be substituted the words "and either board or facilities for the preparation of food adequate to the needs of those persons, or both".

Grants for hostels.

(2) Subsection (1) of the said section fifteen shall apply to a building provided or converted by a housing association for use as a hostel under arrangements which the Minister may have made with them with a view to the approval of the hostel for the purposes of that subsection, as it applies to a building so provided or converted by a local authority:

Provided that if the Minister is satisfied that the housing association have made default in giving effect to the terms of the arrangements, he may reduce the amount of the contributions payable to the housing association under the said subsection (1), or suspend or discontinue the payment thereof, as he thinks just.

(3) Where a building which has been provided or converted by a housing association for use as a hostel becomes vested in a local authority, and at the time of the vesting the building is one in respect of which a contribution is payable under the said subsection (1)—

(a) no further contributions shall, after the time of the vesting, become payable under that subsection, but

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**PART I**

(b) the Minister may, if he thinks fit, pay out of money provided by Parliament to the local authority sums not exceeding any sums which would after that time have become payable by him under that subsection in respect of the building if all conditions precedent to the payment of the sums had been fulfilled.

(4) In section twenty-two and subsection (3) of section fifty of the Housing (Financial Provisions) Act, 1958, and in this section, the expression "hostel" has the same meaning as in section fifteen of that Act, and references to a hostel include references to part of a hostel.

**Payments  
for town  
development.**

**10.—(1)** As respects any approved dwelling as defined by this Part of this Act, paragraph (a) of subsection (2) of section two of the Town Development Act, 1952, as amended by paragraph 14 of the First Schedule to the Housing Subsidies Act, 1956 (under which the Minister may contribute to the expenses of providing houses in the course of town development, subject to a limit of eight pounds per house), shall apply with the substitution for the reference to eight pounds of a reference to twelve pounds.

(2) As respects any approved dwelling as defined by this Part of this Act, subsection (4) of section four of the New Towns Act, 1959 (under which the Minister may make additional contributions to the Commission for the New Towns, subject to a limit of eight pounds per house), shall apply with the substitution for the reference to eight pounds of a reference to twelve pounds.

(3) As respects any approved dwelling as defined by this Part of this Act, subsection (2) of section nine of the Housing Subsidies Act, 1956 (under which the Minister may recover part of certain payments or contributions in the ten years following the completion of a dwelling, subject to a limit of four pounds in any year), shall apply with the substitution for the reference to ten years of a reference to fifteen years, and with the substitution for the reference to four pounds of a reference to six pounds.

(4) Any contribution made to a local authority under paragraph (a) of subsection (2) of section two of the Town Development Act, 1952, shall be included in the definition of "exchequer payment" in subsection (2) of section fifty-eight of the Housing (Financial Provisions) Act, 1958:

Provided that any amount carried to the credit of the Housing Revenue Account of a local authority in respect of such a contribution shall be left out of account for the purposes of subsection (2) of section four of this Act.

(5) References in this section to an approved dwelling as defined by this Part of this Act include references to a dwelling

in respect of which exchequer subsidies are payable under section one of this Act by virtue of subsection (4) of that section. PART I

**11.—(1) In this Part of this Act—**

“ authorised arrangements ” has the meaning assigned to that expression by subsection (2) of section twenty-nine of the Housing (Financial Provisions) Act, 1958 ;

Interpretation of Part I and consequential and other amendments.

“ special arrangements made with the Minister ” means, in relation to exchequer subsidies under this Part of this Act payable to a housing association, arrangements which the Minister may have made with the housing association for the provision of dwellings with a view to the approval of the dwellings by the Minister under section one of this Act,

and subsection (1) of section twenty-nine and subsection (1) of section fifty-eight of the said Act of 1958 shall apply for the interpretation of this Part of this Act.

(2) The enactments mentioned in the Second Schedule to this Act (which relate to the giving of financial assistance for the provision of housing accommodation) shall have effect subject to the amendments there specified, being, in the case of those in Part I of the Schedule, amendments which apply those enactments in relation to exchequer subsidies under this Part of this Act and, in the case of those in Part II, amendments relating to other matters.

**PART II**

**AMENDMENTS OF HOUSING ACT, 1957**

*Houses in multiple occupation*

**12.—(1) If it appears to a local authority that a house which, or a part of which, is let in lodgings or which is occupied by members of more than one family is in an unsatisfactory state in consequence of failure to maintain proper standards of management and, accordingly, that it is necessary that the regulations made under the following provisions of this Part of this Act should apply to the house, the local authority may by order direct that those regulations shall so apply ; and so long as the order is in force the regulations shall apply in relation to the house accordingly.**

Power to apply management code to houses in multiple occupation.

(2) Not less than twenty-one days before making an order under this section, the local authority shall—

- (a) serve on an owner of the house, and on every person who is to their knowledge a lessee of the house, notice of their intention to make the order, and

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(b) post such a notice in some position in the house where it is accessible to those living in the house,

and shall afford to any person on whom a notice is so served an opportunity of making representations regarding their proposal to make the order.

(3) An order under this section shall come into force on the date on which it is made, and the local authority shall within seven days from the making of the order—

(a) serve a copy of the order on an owner of the house and on every person who is to the knowledge of the local authority a lessee of the house, and

(b) post a copy of the order in some position in the house where it is accessible to those living in the house.

(4) A person on whom a copy of the order is served under the last foregoing subsection, and any other person who is a lessee of the house, may, within fourteen days from the latest date by which copies of the order are required to be served, appeal to a magistrates' court on the ground that the making of the order was unnecessary.

(5) On an appeal under the last foregoing subsection the court shall take into account the state of the house at the time when the local authority under subsection (2) of this section served notice of their intention to make the order, as well as at the time of the making of the order, and shall disregard any improvement in the state of the house between those times unless the court is satisfied that effective steps have been taken to ensure that the house will in future be kept in a satisfactory state; and if the magistrates' court allows the appeal, the court shall revoke the order, but without prejudice to its operation prior to the revocation, and without prejudice to the making of a further order.

(6) A local authority may at any time on the application of a person having an estate or interest in the house revoke an order under this section, and if a local authority refuse an application under this subsection, or do not within thirty-five days from the making of the application, or within such further period as the applicant may in writing allow, notify the applicant of their decision on the application, the applicant may appeal to a magistrates' court and the magistrates' court, if of opinion that there has been a substantial change in the circumstances since the making of the order, and that it is in other respects just to do so, may revoke the order.

(7) As soon as may be after an order under this section has come into force it shall be registered in the register of local land charges by the proper officer of the local authority in such



## PART II

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.

13.—(1) With a view to providing a code for the management of houses which may be applied under the last foregoing section, the Minister may by regulations contained in a statutory instrument make provision for the purpose of ensuring that the person managing a house which, or a part of which, is let in lodgings or which is occupied by members of more than one family observes proper standards of management. Regulations prescribing management code.

Without prejudice to the generality of the foregoing provisions of this section, regulations under this section may, in particular, require the person managing the house to ensure the repair, maintenance, cleansing and good order—

- (a) of all means of water supply and drainage in the house,
- (b) of kitchens, bathrooms and water closets in common use,
- (c) of sinks and wash-basins in common use,
- (d) of common staircases, corridors and passage ways, and
- (e) of outbuildings, yards and gardens in common use,

and to make satisfactory arrangements for the disposal of refuse and litter from the house.

(2) For the purposes of the foregoing subsection and regulations made under this section, the person managing a house which, or a part of which, is let in lodgings or which is occupied by members of more than one family shall be defined as—

- (a) the person who is an owner or a lessee of the house and who, directly or through an agent or trustee, receives rents or other payments from persons who are tenants of parts of the house, or who are lodgers, and
- (b) where those rents or other payments are received through another person as his agent or trustee, that other person,

but the foregoing definition may be varied or replaced by regulations under this section.

(3) Regulations under this section—

- (a) may make different provision for different types of houses,
- (b) may provide for keeping a register of the names and addresses of those who are managers of houses,
- (c) may impose duties on persons who have an estate or interest in a house or any part of a house to which the regulations apply as to the giving of information to the local authority, and in particular may make it the duty of any person who acquires or ceases to hold an estate or interest in the house to notify the local authority,

**PART II**

- (d) may impose duties on persons who live in the house for the purpose of ensuring that the person managing the house can effectively carry out the duties imposed on him by the regulations,
- (e) may authorise the local authority to obtain information as to the number of individuals or households accommodated in the house,
- (f) may make it the duty of the person managing the house to cause a copy of the order, and of the regulations, to be displayed in a suitable position in the house, and
- (g) may contain such other incidental and supplementary provisions as may appear to the Minister to be expedient.

(4) If any person knowingly contravenes or without reasonable excuse fails to comply with any regulation under this section as applied under this Act in relation to any house he shall be liable on summary conviction—

- (a) where he has not previously been convicted of an offence under this section, to a fine not exceeding twenty pounds, and
- (b) where he has previously been convicted of an offence under this section, to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both.

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

Power to require doing of work to make good neglect of proper standards of management.

**14.—(1)** If in the opinion of the local authority the condition of a house to which regulations under the last foregoing section for the time being apply is defective in consequence of neglect to comply with the requirements imposed by the regulations, or, in respect of a period falling wholly or partly before the regulations applied to the house, neglect to comply with standards corresponding to the requirements imposed by the regulations, the local authority may serve on the person managing the house (as defined by or under the last foregoing section) a notice specifying the works which in the opinion of the local authority are required to make good the neglect, and requiring the person on whom the notice is served to execute those works.

(2) If it is not practicable after reasonable inquiry to ascertain the name or address of the person managing the house as so defined, the notice under this section may be served by addressing it to him by the description of “manager of the house” (naming the house to which it relates) and by delivering it to some person on the premises.

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(3) A notice under this section shall require the execution of the works within such period, being not less than twenty-one days from service of the notice, as may be specified in the notice, but that period may from time to time be extended by written permission of the local authority.

(4) Where a local authority serve a notice on any person under this section they shall inform any other person who is to their knowledge an owner or lessee of the house of the fact that such a notice has been served.

(5) A person on whom a notice is served under this section may, within twenty-one days of service of the notice, or within such longer period as the local authority may in writing allow, appeal to a magistrates' court on any of the following grounds which are appropriate in the circumstances of the particular case—

- (a) that the condition of the house did not justify the local authority in requiring the execution of the works specified in the notice,
- (b) that there has been some informality, defect or error in, or in connection with, the notice,
- (c) that the local authority have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary,
- (d) that the time within which the works are to be executed is not reasonably sufficient for the purpose, and
- (e) that some person other than the appellant is wholly or in part responsible for the state of affairs calling for the execution of the works, or will as the holder of an estate or interest in the premises derive a benefit from the execution of the works, and that that person ought to pay the whole or any part of the expenses of executing the works.

(6) If and so far as an appeal under this section is based on the ground of some informality, defect or error in, or in connection with, the notice, the court shall dismiss the appeal if it is satisfied that the informality, defect, or error was not a material one.

(7) Where the grounds on which an appeal is brought under this section include the ground specified in paragraph (e) of subsection (5) of this section, the appellant shall serve a copy of his notice of appeal on each other person referred to, and on the hearing of the appeal the court may make such order as it

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thinks fit with respect to the payment to be made by any such other person to the appellant, or, where the work is executed by the local authority, to the local authority.

Power to  
require  
execution of  
works of other  
descriptions.

**15.—(1)** If the condition of a house which, or a part of which, is let in lodgings, or which is occupied by members of more than one family, is, in the opinion of the local authority, so far defective with respect to any of the following matters, that is to say—

- natural and artificial lighting,
- ventilation,
- water supply,
- personal washing facilities,
- drainage and sanitary conveniences,
- facilities for the storage, preparation and cooking of food, and for the disposal of waste water, or
- installations for space heating or for the use of space heating appliances,

having regard to the number of individuals or households, or both, accommodated for the time being on the premises, as not to be reasonably suitable for occupation by those individuals or households, the local authority may serve either—

- (a) on the person having control of the house (as defined by subsection (2) of section thirty-nine of the principal Act), or
- (b) on any person to whom the house is let at a rackrent, or on any person who, as the agent or trustee of a person to whom the house is let at a rackrent, receives rents or other payments from tenants of parts of the house or lodgers in the house,

a notice specifying the works which in the opinion of the local authority are required for rendering the premises reasonably suitable for such occupation as aforesaid, and requiring the person on whom the notice is served to execute those works.

(2) If the local authority are satisfied that after the service of the notice the number of individuals living on the premises has been reduced to a level which will make the work specified in the notice unnecessary, and that, either in consequence of their exercise of the powers conferred by the following provisions of this Part of this Act to limit the number of persons living on the premises or otherwise, that number will be maintained at or below that level, they may notify in writing the person on whom the notice was served of the withdrawal of the notice, but the withdrawal of the notice shall be without prejudice to the issue of a further notice.

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(3) A notice under this section shall require the execution of the works within such period, being not less than twenty-one days from the service of the notice, as may be specified in the notice, but that period may from time to time be extended by written permission of the local authority.

(4) Where a local authority serve a notice on any person under this section they shall inform any other person who is to their knowledge an owner or lessee of the house of the fact that such a notice has been served.

16.—(1) If it appears to a local authority that a house which, or a part of which, is let in lodgings, or which is occupied by members of more than one family, is not provided with such means of escape from fire as the local authority consider necessary, the local authority may, subject to this section, serve on any person on whom a notice may be served under section fifteen of this Act a notice specifying the works which in the opinion of the local authority are required to provide such means of escape, and requiring the person on whom the notice is served to execute those works.

Provision of means of escape from fire.

(2) A local authority who are not, under the Fire Services Act, 1947, the fire authority for the area in which the house is situated, or who have, under section twelve of that Act, delegated all their functions in respect of that area to another fire authority, shall, before serving a notice under this section, consult with the fire authority concerned, and, in the administrative county of London, shall not serve such a notice except with the consent of the London County Council.

(3) Subsections (3) and (4) of section fifteen of this Act shall apply to a notice under this section as they apply to a notice under that section.

17.—(1) A person on whom a notice is served under either of the two last foregoing sections may, within twenty-one days from the service of the notice, or within such longer period as the local authority may in writing allow, appeal to a county court on any of the following grounds which are appropriate in the circumstances of the particular case—

Right of appeal against notice requiring execution of works.

- (a) that the condition of the house did not justify the local authority, having regard to the considerations in subsection (1) of section fifteen of this Act, in requiring the execution of the works specified in the notice, or, in the case of a notice under the last foregoing section, that the notice is not justified by the terms of that section,
- (b) that there has been some informality, defect or error in, or in connection with, the notice,

## PART II

- (c) that the local authority have refused unreasonably to approve the execution of alternative works, or that the works required by the notice to be executed are otherwise unreasonable in character or extent, or are unnecessary,
- (d) that the time within which the works are to be executed is not reasonably sufficient for the purpose, and
- (e) that some person other than the appellant is wholly or in part responsible for the state of affairs calling for the execution of the works, or will as the holder of an estate or interest in the premises derive a benefit from the execution of the works, and that that person ought to pay the whole or any part of the expenses of executing the works.

(2) If and so far as an appeal under this section is based on the ground of some informality, defect or error in, or in connection with, the notice, the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(3) Where the grounds upon which an appeal under this section is brought include the ground specified in paragraph (e) of subsection (1) of this section, the court, if satisfied that any other person referred to in the notice of appeal has had proper notice of the appeal, may on the hearing of the appeal make such order as it thinks fit with respect to the payment to be made by that other person to the appellant or, where the work is executed by the local authority, to the local authority.

(4) If on an appeal under this section against a notice served under section fifteen of this Act the court is satisfied that the number of persons living in the house has been reduced, and that adequate steps (whether by the exercise by the local authority of the powers conferred by the following provisions of this Part of this Act to limit the number of persons living in the house or otherwise) have been taken to prevent that number being again increased, the court may if it thinks fit revoke the notice or vary the list of works specified in the notice.

Carrying out  
of works  
by local  
authority.

**18.**—(1) If a notice under section fourteen, section fifteen or section sixteen of this Act is not complied with, then, after the expiration of the time within which the works are required to be executed or, if an appeal has been made against the notice and upon that appeal the notice has been confirmed with or without variation, after the expiration of twenty-one days from the final determination of the appeal, or such longer period as the court in determining the appeal may fix, the local authority may themselves do the work required to be done by the notice (with any variation made by the court).

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(2) Notwithstanding the foregoing subsection, if before the expiration of the time mentioned in that subsection the person on whom the notice was served notifies the local authority in writing that he does not intend to do the work in question, the local authority may, if they think fit, themselves do the work forthwith.

(3) Any expenses reasonably incurred by the local authority under this section, together with interest from the date when a demand for the expenses is served until payment, may, except so far as they are by any direction of the court on appeal recoverable under an order of the court, be recovered by them, by action or summarily as a civil debt, from the person on whom the notice was served or, if he was only properly served with the notice as being an agent or trustee for some other person, then either from him or that other person, or as to part from him and as to the remainder from that other person:

Provided that if the person on whom the notice is served proves that he—

- (a) was only properly served with the notice as being an agent or trustee for some other person, and
- (b) has not, and since the date of the service on him of the demand has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability shall be limited to the total amount of the money which he has, or has had, in his hands as aforesaid.

(4) Any expenses recoverable by the local authority under the last foregoing subsection, together with interest accrued due thereon, shall, until recovered, be a charge on the estate or interest in the premises of the person on whom the notice was served:

Provided that if that person was only properly served with the notice as being an agent or trustee for some other person, those expenses shall be a charge on the estate or interest in the premises of that other person, and not on that of the first-mentioned person.

(5) The local authority shall for the purpose of enforcing the charge under the last foregoing subsection 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, of accepting surrenders of leases and of appointing a receiver.

The power of appointing a receiver under this subsection shall be exercisable at any time after the expiration of one month from the date of the service under subsection (3) of this section

**PART II** of a demand for the expenses charged on the estate or interest in the premises.

(6) If a local authority applies to a county court and satisfies the court—

(a) that any expenses reasonably incurred by them under this section (with the interest accrued due thereon) have not been, and are unlikely to be, recovered, and

(b) that some person is profiting by the execution of the works in respect of which the expenses were incurred to obtain rents or other payments which would not have been obtainable if the number of persons living in the house was limited to that appropriate for the house in its state before the works were executed,

the court, if satisfied that that person has had proper notice of the application, may order him to make such payment or payments to the local authority as may appear to the court to be just.

(7) In all summary proceedings by the local authority for the recovery of expenses under this section, the time within which the proceedings may be taken shall be reckoned from the date of the service of the demand.

(8) Any interest payable under this section shall be at the rate, or the highest rate, for the time being fixed under subsection (6) of section ten of the principal Act.

(9) In proceedings by the local authority for the recovery of any expenses under subsection (3) of this section it shall not be open to the defendant to raise any question which he could have raised on an appeal under the foregoing provisions of this Part of this Act against the notice requiring the execution of the works.

Directions to prevent or reduce overcrowding in houses in multiple occupation.

**19.—**(1) A local authority may, for the purpose of preventing the occurrence of, or remedying, a state of affairs calling for the service of a notice or a further notice under section fifteen of this Act, fix as a limit for the house what is in their opinion the highest number of individuals who should, having regard to the considerations set out in subsection (1) of that section, live in the house in its existing condition, and give a direction applying that limit to the house.

(2) A direction under the foregoing subsection shall have effect so as to make it the duty of the occupier for the time being of the house—

(a) not to permit any individual to take up residence in the house so as to increase the number of individuals living in the house to a number above the limit specified in the direction, and



## PART II

- (b) where the number of individuals living in the house is for the time being above the limit so specified and any individual ceases to reside in the house, not to permit any other individual to take up residence in the house.

(3) References in the foregoing subsections to a house include references to part of a house, and the local authority shall have regard to the desirability of applying separate limits where different parts of a house are, or are likely to be, occupied by different persons.

(4) Not less than seven days before giving a direction under this section, the local authority shall—

- (a) serve on an owner of the house, and on every person who is to their knowledge a lessee of the house, notice of their intention to give the direction, and

- (b) post such a notice in some position in the house where it is accessible to those living in the house,

and shall afford to any person on whom a notice is so served an opportunity of making representations regarding their proposal to give the direction.

(5) The local authority shall within seven days from the giving of the direction—

- (a) serve a copy of the direction on an owner of the house and on every person who is to the knowledge of the local authority a lessee of the house, and

- (b) post a copy of the direction in some position in the house where it is accessible to those living in the house.

(6) The power conferred by subsection (1) of this section may be exercised as regards any premises notwithstanding the existence of any previous direction under that subsection laying down a higher maximum.

(7) A local authority may at any time, having regard to any works which have been executed in the house, or any other change of circumstances, and on the application of any person having an estate or interest in the house, revoke any direction given under subsection (1) of this section, or vary it so as to allow more people to be accommodated in the house.

(8) If a local authority refuse an application under the last foregoing subsection, or do not within thirty-five days from the making of such an application, or within such further period as the applicant may in writing allow, notify the applicant of their decision on the application, the applicant may appeal to a county court, and on the appeal the court shall have power to revoke the direction or vary it in any manner in which it might have been varied by the local authority.

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(9) The local authority may from time to time serve on the occupier of a house or part of a house in respect of which a direction under this section is in force a notice requiring him to furnish them within seven days with a statement in writing giving all or any of the following particulars, that is to say—

- (a) the number of individuals who are, on a date specified in the notice, living in the house or part of the house, as the case may be ;
- (b) the number of families or households to which those individuals belong ;
- (c) the names of those individuals and of the heads of each of those families or households ; and
- (d) the rooms used by those individuals and families or households respectively ;

and if the occupier makes default in complying with the requirements or furnishes a statement which to his knowledge is false in any material particular, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(10) If any person knowingly fails to comply with the requirements imposed on him by subsection (2) of this section, he shall be guilty of an offence under this subsection.

(11) A person committing an offence under the last foregoing subsection of this section shall be liable on summary conviction—

- (a) where he has not previously been convicted of an offence under that subsection or section ninety of the principal Act, to a fine not exceeding twenty pounds, and
- (b) where he has previously been convicted of an offence under that subsection or the said section ninety, to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both.

In this subsection references to a previous offence or conviction under the said section ninety include references to an offence or conviction before the commencement of this Act under that section or an enactment reproduced in that section.

(12) The powers conferred by this section shall be exercisable whether or not a notice has been given under section fifteen of this Act, and shall be without prejudice to the powers conferred by section ninety of the principal Act (which relates to overcrowding in houses let in lodgings).

20.—(1) A person committing an offence under section ninety of the principal Act shall be liable on summary conviction—

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Offences under  
s. 90 of  
principal Act.

- (a) where he has not previously been convicted of an offence under that section, or subsection (10) of the last foregoing section of this Act, to a fine not exceeding twenty pounds, and
- (b) where he has previously been convicted of an offence under the said section ninety or the said subsection, to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both.

(2) This section shall not apply to an offence committed before the commencement of this Act, but references in this section to a previous offence or conviction include references to an offence or conviction before the commencement of this Act under the said section ninety or an enactment reproduced in that section.

(3) Subsection (5) of the said section ninety shall cease to have effect.

21.—(1) Sections twelve to fifteen of this Act shall apply—

Application of  
ss. 12 to 15  
to certain  
buildings  
comprising  
separate  
dwellings.

- (a) to a building which is not a house but comprises separate dwellings, two or more of which do not have a sanitary convenience and personal washing facilities accessible only to those living in the dwelling, and
- (b) to a building which is not a house but comprises separate dwellings, two or more of which are wholly or partly let in lodgings or occupied by members of more than one family,

as if references in those sections to a house which, or a part of which, is let in lodgings or which is occupied by members of more than one family included references to any such building, but no direction shall be given under section nineteen of this Act by virtue of this section in relation to such a building.

(2) If a local authority make an order under section twelve of this Act as applied by the foregoing subsection as respects a building at a time when another order under that section is in force as respects one of the dwellings in the building they shall revoke the last-mentioned order.

(3) References to a house in sections seventeen, eighteen and twenty-three of this Act shall include references to a building to which this section applies.

22.—(1) At any time not less than three years from the commencement of this Act a local authority may make and submit

Registers  
of houses  
in multiple  
occupation.

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to the Minister for confirmation by him a scheme authorising the local authority to compile and maintain a register for their area—

- (a) of houses which, or a part of which, are let in lodgings, or which are occupied by members of more than one family, and
- (b) of buildings which comprise separate dwellings, two or more of which do not have a sanitary convenience and personal washing facilities accessible only to those living in the dwelling,

and the Minister may if he thinks fit confirm the scheme with or without modifications.

(2) A scheme under this section shall not come into force until it has been confirmed and, subject to that, shall come into force on such date as may be fixed by the scheme, or if no date is so fixed, at the expiration of one month after it is confirmed.

(3) A scheme under this section need not be for the whole of the local authority's area and need not be for every description of house or building falling within paragraphs (a) and (b) of subsection (1) of this section, and—

- (a) may prescribe the particulars to be inserted in the register, and
- (b) may, as regards houses and buildings first becoming registrable after the compilation of the register, make it the duty of persons prescribed by the scheme to notify the local authority of the fact that the house or building appears to be registrable, and to give the local authority all or any of the prescribed particulars as regards the house or building, and
- (c) may make it the duty of persons prescribed by the scheme to notify the local authority of any change which makes it necessary to alter the particulars inserted in the register as regards any house or building.

(4) Without prejudice to the provisions of section one hundred and seventy of the principal Act (under which a local authority may require information as to the ownership of premises), a local authority may, for the purpose of ascertaining whether a house or building is registrable, and of ascertaining the particulars to be entered in the register as regards the house or building, require any person who has an estate or interest in, or who lives in, the house or building to state in writing any information in his possession which the local authority may reasonably require for that purpose, and any person who, having been required by a local authority in pursuance of this subsection to give to them any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding ten pounds.

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(5) A scheme under this section may make a contravention or failure to comply with any provision in the scheme an offence under the scheme, and a person guilty of an offence under the scheme shall be liable on summary conviction to a fine not exceeding ten pounds.

(6) At least one month before a scheme is submitted to the Minister for confirmation by him, notice of intention to submit the scheme shall be given in one or more newspapers circulating in the district of the local authority.

(7) As soon as a scheme under this section is confirmed by the Minister, the local authority shall publish in one or more newspapers circulating in their district a notice stating the fact of such a scheme having been confirmed, and describing any steps which will have to be taken under the scheme by those concerned with registrable houses and buildings (other than steps which have only to be taken after a notice from the local authority), and naming a place where a copy of the scheme may be seen at all reasonable hours.

(8) A copy of a scheme confirmed by the Minister shall be printed and deposited at the offices of the local authority by whom it was made, and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall, on application, be furnished to any person on payment of such sum, not exceeding one shilling for every copy, as the local authority may determine.

(9) A scheme under this section may vary or revoke a previous scheme thereunder; and a local authority may at any time with the consent of the Minister revoke a scheme by an order, notice of which shall be published by them in one or more newspapers circulating in their district.

(10) The production of a printed copy of a scheme purporting to be made by a local authority, upon which is indorsed a certificate purporting to be signed by the clerk to the authority stating—

- (a) that the scheme was made by the local authority,
- (b) that the copy is a true copy of the scheme,
- (c) that on a specified date the scheme was confirmed by the Minister,

shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign the certificate in pursuance of this section.

**23.—(1)** If on an application made by a person required by a Supplemental notice under the foregoing provisions of this Part of this Act provisions.

**PART II** to execute any works it appears to a county court that any other person having an estate or interest in the premises has unreasonably refused to give any consent required to enable the works to be executed, the court may give the necessary consent in place of that other person.

(2) Subsection (1) of section thirty-three of the principal Act (under which any owner of a house may require a local authority to warn him of any proceedings taken by them under certain provisions of that Act) shall apply in relation to proceedings taken under the foregoing provisions of this Part of this Act as it applies in relation to the provisions of the principal Act mentioned in that subsection.

(3) Nothing in the foregoing provisions of this Part of this Act shall prejudice or interfere with the rights or remedies of any owner for breach, non-observance or non-performance of any covenant or contract entered into by a lessee in reference to any house in respect of which a notice requiring the execution of works is served by a local authority under the foregoing provisions of this Part of this Act, or as respects which regulations made under section thirteen of this Act are for the time being in force; and if any owner is obliged to take possession of a house in order to comply with any such notice, the taking possession shall not affect his right to avail himself of any such breach, non-observance or non-performance which has occurred before he so took possession.

(4) Where an offence punishable under the foregoing provisions of this Part of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) Where a person is convicted of an offence by virtue of the last foregoing subsection and the body corporate in question is under the foregoing provisions of this Part of this Act liable, as having been previously convicted of an offence, to a higher penalty than if it had not been previously convicted of any offence, that person shall be liable under the foregoing provisions of this Part of this Act to the same penalties as the body corporate, including the imprisonment to which it would be liable if a natural person:

Provided that he shall not be so liable if he shows that at the time of the first-mentioned offence he did not know of the body corporate's conviction for the earlier offence and that at

the time of the earlier conviction he was not acting or purporting to act as a director, manager, secretary or other similar officer of the body corporate.

## PART II

(6) Section one hundred and fifty-nine of the principal Act (which confers powers of entry for the purposes mentioned in that section) shall apply to entry for the purpose of ascertaining whether there has been a contravention of any regulation or direction made or given under the foregoing provisions of this Part of this Act, but so much of that section as requires notice to be given of the intended entry shall not apply to entry for the purpose mentioned in this subsection.

(7) In the foregoing provisions of this Part of this Act references to a lessee of a house and to a person to whom a house is let include references to—

- (a) any person having an estate or interest in the house under an underlease or tenancy or under an agreement for a lease, underlease or tenancy ; and
- (b) any person who retains possession of the house by virtue of the Rent Acts and not as being entitled to any tenancy ;

and references to a person having an estate or interest in the house include references to any such person as is mentioned in paragraph (b) of this subsection.

(8) In the administrative county of London, other than the City of London, both the metropolitan borough and the London County Council shall be local authorities for the purposes of the foregoing provisions of this Part of this Act.

(9) Section thirty-six of the principal Act (which is superseded by the foregoing provisions of this Part of this Act) shall cease to have effect except as respects any notice served under that section before the commencement of this Act.

*Reconditioning of condemned houses*

24.—(1) If a local authority are satisfied that any one or more houses comprised in a clearance order which has been confirmed by the Minister have been made fit for human habitation or will, if excluded from the clearance area, be made fit for human habitation, the local authority may make and submit to the Minister for confirmation by him an order excluding the house or houses from the clearance area, and modifying or revoking the clearance order accordingly.

Exclusion of houses from clearance order.

(2) If it appears to the local authority that any house or other building—

- (a) which was properly included in the clearance area only on the ground that by reason of its bad arrangement

**PART II**

in relation to other buildings, or the narrowness or bad arrangement of the streets, it is dangerous or injurious to the health of the inhabitants of the area, and

- (b) which has not been included in a clearance order or compulsory purchase order under Part III of the principal Act,

would not have been included in the clearance area but for the inclusion in the clearance area of the house or houses to be excluded under the foregoing subsection, the order shall provide that that building shall also be excluded from the clearance area.

(3) A local authority shall not make an order under this section (other than one which applies to all the land in the clearance area) unless they are satisfied that they can effectively fulfil their duties under Part III of the principal Act as regards the land remaining in the clearance area after the order comes into force.

(4) An order may be made under this section notwithstanding that the effect of the order in excluding any building from the clearance area is to sever that area into two or more separate and distinct areas, and in any such case the provisions of Part III of the principal Act relating to the effect of a clearance order when confirmed, and to the proceedings to be taken subsequent to the confirmation thereof, shall apply as if those areas formed one clearance area.

(5) A local authority may for the purpose of this section accept undertakings from an owner of the building, or any other person who has or will have an interest in the building, and in particular undertakings—

- (a) concerning the works to be carried out to make the building fit for human habitation, and the time within which the works are to be carried out, and
- (b) concerning the repayment of any sums paid by the local authority under section sixty or section sixty-one of the principal Act (under which payments may be made for a house in a clearance area which has been well maintained or, in certain circumstances, which is held by an owner-occupier).

(6) Subsection (1) of this section shall apply in relation to a building other than a house, being a building which is included in a clearance order by virtue of the proviso to paragraph 2 of the Fifth Schedule to the principal Act (which authorises the inclusion in a clearance order of a building part of which is a dwelling and is unfit for human habitation) as it applies to a house, but subject to the modification that for the references to making the house fit for human habitation there shall be substituted references to making part of the building fit for human habitation.



(7) The Third Schedule to this Act shall have effect in relation to any order under this section.

PART II

(8) In this section and the said Schedule the expression "clearance order" means a clearance order under section forty-four of the principal Act; and this section (together with that Schedule) shall be construed as one with Part III of the principal Act.

**25.** In subsection (1) of section twenty-four of the principal Act (under which a local authority may revoke a demolition order where an owner of a house submits proposals for its reconstruction, enlargement or improvement)—

Power to permit reconstruction of a house condemned under a demolition order.

(a) before the words "submits proposals" there shall be inserted the words "or any other person who in the opinion of the local authority is or will be in a position to put his proposals into effect", and

(b) for the words "the said owner" there shall be substituted the words "the person submitting the proposals".

#### Miscellaneous

**26.—**(1) If an owner of a house in respect of which a demolition order has become operative or any other person who has an interest in the house submits proposals to the local authority for the use of the house for a purpose other than human habitation, the local authority may, if they think fit so to do, determine the demolition order and make a closing order as respects the house.

Power to substitute closing order for demolition order to enable a house to be used otherwise than for human habitation.

(2) Where a local authority determine a demolition order and make a closing order under this section, they shall serve notice that the demolition order has been determined and a copy of the closing order on every person on whom they would be required by subsection (1) of section sixteen of the principal Act to serve a notice issued by them under that subsection.

(3) In subsection (5) of section twenty-seven and in section twenty-eight of the principal Act (which relate respectively to the recovery of possession of premises subject to a closing order made under subsection (1) of section seventeen of that Act and to the substitution of a demolition order for a closing order so made) references to a closing order made under the said subsection (1) shall include references to a closing order made under this section.

(4) This section shall be construed as one with Part II of the principal Act.

**PART II**  
Minor  
amendments  
of principal  
Act.

**27.**—(1) Subsection (2) of section thirty-eight of the principal Act (which provides that no appeal shall lie from a decision of the Court of Appeal on an appeal from a county court in proceedings originating in an appeal to the county court under Part II of that Act) shall cease to have effect.

(2) In section one hundred and twenty-four of the principal Act (which empowers the Minister to make a grant towards the expenses of a central association for promoting the formation and extension of housing associations in any of the five years next following the date on which he recognises that body for the purposes of that section) the words “in any of the five years next following the date on which he recognises the said body” shall cease to have effect.

(3) Subsection (2) of section one hundred and sixty-nine of the principal Act (which excludes the provisions of that section relating to the service of notices and other documents in the case of certain documents to be served under Part II of that Act) shall cease to have effect.

(4) In paragraph (a) of sub-paragraph (1) of paragraph 3 of the Second Schedule to the principal Act (which relates to payments for well-maintained houses) for the words “owned or occupied” there shall be substituted the words “owned and occupied”.

Interpretation  
and construc-  
tion of Part II.

**28.**—(1) In this Part of this Act “the principal Act” means the Housing Act, 1957.

(2) This Part of this Act shall be construed as one with the principal Act.

**PART III**

MISCELLANEOUS AND GENERAL

*Private improvements in housing*

Permitted  
rent increase  
for  
improvements.

**29.**—(1) In subsection (1) of section five of the Rent Act, 1957 (under which the rent limit under that Act may be increased for improvements by eight per cent. per annum of the amount spent), for the words “eight per cent.” there shall be substituted the words “twelve and one-half per cent.”.

(2) Subsection (1) of this section shall only apply to an improvement completed after the commencement of this Act, and shall so apply subject to the following provisions of this section.

(3) Subsection (1) of this section shall not apply to an improvement carried out in reliance on a consent granted before the commencement of this Act by a tenant under the controlled tenancy unless the consent was a consent in writing which contained an acknowledgement (however expressed) that the rent could be

increased on account of the improvement to a stated amount which is at least the maximum of the rent limit increased under the said section five with the amendment made by subsection (1) of this section.

PART III

(4) The foregoing subsections shall be construed as one with the said section five, but those subsections as applied, as part of the said section five, by section twenty of the same Act (which limits the rent of subsidised private houses by reference to the rent limit) shall apply as follows:—

- (a) in subsection (3) of this section for the reference to a tenant under the controlled tenancy there shall be substituted a reference to any tenant of the dwelling, and
- (b) notwithstanding subsection (3) of this section, the said section five shall have effect with the amendment made by subsection (1) of this section in relation to the rent under any tenancy created by a lease or agreement coming into operation after the time when the improvement is begun:

Provided that for the purposes of paragraph (b) of this subsection where a person to whom a tenancy is granted was immediately before the granting the tenant under another tenancy and the premises comprised in one of the tenancies are the same as, or consist of or include part of, the premises comprised in the other, the two tenancies shall be treated as together constituting one tenancy created by the lease or agreement which created the first of the two tenancies.

30.—(1) Subsection (1) of section four of the House Purchase and Housing Act, 1959 (which lists the improvements, including the provision of a bath or shower, a wash-hand basin, hot water supply and a water closet, in respect of which local authorities are to make grants under that section), shall be amended as follows.

Standard grant for provision of hot water supply and water closets.

(2) For paragraph (c) of that subsection (which reads “a hot water supply”) there shall be substituted the following paragraph—

“(c) a hot water supply at a fixed bath or shower in a bathroom, and at a wash-hand basin, and at a sink”.

(3) The water closet mentioned in paragraph (d) of that subsection must, if reasonably practicable, be in, and accessible from within, the dwelling or, if that is not reasonably practicable, in such a position in the curtilage of the dwelling or, where the dwelling is part of a larger building, in that building, as to be readily accessible from the dwelling.

(4) In the said section four, in paragraph (d) of subsection (1), the words “in or contiguous to the dwelling”, and subsection (5), shall cease to have effect.

**PART III**  
Provisions  
relating to  
improvement  
grants and  
standard  
grants.

**31.**—(1) Subsection (3) of section thirty-one of the Housing (Financial Provisions) Act, 1958, and subsection (3) of section five of the House Purchase and Housing Act, 1959 (under which an applicant for an improvement grant under Part II of the said Act of 1958 or a standard grant under the said Act of 1959 must own the land to which the application relates or have a certain leasehold interest in it), shall not apply in relation to any application made after the commencement of this Act on behalf of a charity where the land to which the application relates is land which, or an interest in which, is vested in the official custodian for charities or any other custodian trustee in trust for the charity.

(2) In paragraph 3 of the Fourth Schedule to the said Act of 1958 (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 (a):—

“(aa) in the case of a dwelling which, or an interest in which, has since before the application for the grant been vested in the personal representatives of a deceased person, or in trustees, by a person who on the death, or under the trust, has become interested in the dwelling or interest or the proceeds of sale thereof, or by a member of the family of such a person, or ”

(3) There shall be substituted for sub-paragraph (2) of paragraph 9 of the Fourth Schedule to the said Act of 1958 (which exempts from paragraph 3 of that Schedule a dwelling used as an almshouse or as a residence of a minister of religion) the following sub-paragraph—

“(2) Paragraph 3 of this Schedule shall not apply to a dwelling held upon trust for any charitable purpose, so long as it is occupied or kept available for occupation for that purpose.”

(4) The proper officer of the local authority shall record in the register of local land charges any change effected by this section in any conditions registered in that register.

#### *Repairing obligations*

Repairing  
obligations  
in short  
leases of  
dwelling-  
houses.

**32.**—(1) In any lease of a dwelling-house, being a lease to which this section applies, there shall be implied a covenant by the lessor—

(a) to keep in repair the structure and exterior of the dwelling-house (including drains, gutters and external pipes); and

(b) to keep in repair and proper working order the installations in the dwelling-house—

(i) for the supply of water, gas and electricity, and for sanitation (including basins, sinks, baths and

sanitary conveniences but not, except as aforesaid, fixtures, fittings and appliances for making use of the supply of water, gas or electricity), and

(ii) for space heating or heating water,

and any covenant by the lessee for the repair of the premises (including any covenant to put in repair or deliver up in repair, to paint, point or render or to pay money in lieu of repairs by the lessee or on account of repairs by the lessor) shall be of no effect so far as it relates to the matters mentioned in paragraphs (a) and (b) of this subsection.

(2) The covenant implied by this section (hereinafter referred to as the lessor's repairing covenant) shall not be construed as requiring the lessor —

(a) to carry out any works or repairs for which the lessee is liable by virtue of his duty to use the premises in a tenant-like manner, or would be so liable apart from any express covenant on his part ;

(b) to rebuild or reinstate the premises in the case of destruction or damage by fire, or by tempest, flood, or other inevitable accident ; or

(c) to keep in repair or maintain anything which the lessee is entitled to remove from the dwelling-house ;

and subsection (1) of this section shall not avoid any covenant by the lessee so far as it imposes on the lessee any of the requirements mentioned in paragraph (a) or paragraph (c) of this subsection.

(3) In determining the standard of repair required by the lessor's repairing covenant, regard shall be had to the age, character and prospective life of the dwelling-house and the locality in which it is situated.

(4) In any lease in which the lessor's repairing covenant is implied, there shall also be implied a covenant by the lessee that the lessor, or any person authorised by him in writing, may at reasonable times of the day, on giving twenty-four hours notice in writing to the occupier, enter the premises comprised in the lease for the purpose of viewing their condition and state of repair.

(5) In this and the next following section the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“ lease ” includes an underlease, an agreement for a lease or underlease, and any other tenancy, but does not include a mortgage, and “ covenant ”, “ demise ” and “ term ” shall be construed accordingly ;

## PART III

“lease of a dwelling-house” means a lease whereby a building or part of a building is let wholly or mainly as a private dwelling, and “the dwelling-house” means that building or part of a building ;

“lessee” and “lessor” mean respectively the person for the time being entitled to the term of a lease and to the reversion expectant thereon.

Application of s. 32 and restriction on contracting out.

**33.**—(1) Section thirty-two of this Act applies, subject to the provisions of this section, to any lease of a dwelling-house granted after the passing of this Act, being a lease for a term of less than seven years.

(2) For the purposes of this section a lease shall be treated as a lease for a term of less than seven years if it is determinable at the option of the lessor before the expiration of seven years from the commencement of the term, and, except where the foregoing provisions of this subsection apply, shall not be so treated if it confers on the lessee an option for renewal for a term which, together with the original term, amounts to seven years or more.

(3) Where a lease of a dwelling-house (hereinafter referred to as “the new lease”) is granted—

(a) to a person who when, or immediately before, the new lease is granted, is the lessee under another lease of the dwelling-house, or

(b) to a person who was the lessee under another lease of the dwelling-house which terminated at some time before the new lease is granted and who, between the termination of that other lease and the grant of the new lease was continuously in possession of the dwelling-house or the rents or profits thereof,

the said section thirty-two shall not apply to the new lease if—

(i) the new lease is a tenancy to which Part II of the Landlord and Tenant Act, 1954, applies and the other lease either is such a tenancy or would be such a tenancy but for section twenty-eight of the said Act ; or

(ii) the other lease is not a lease to which the said section thirty-two applies and, in the case of a lease granted before the passing of this Act would not have been such a lease if granted after that date.

(4) The said section thirty-two does not apply to any lease of a dwelling-house which is a tenancy of an agricultural holding within the meaning of the Agricultural Holdings Act, 1948.

(5) In the application of this section to a lease granted for a term part of which falls before the grant, that part shall be left out of account and the lease shall be treated as a lease for a term commencing with the grant.

## PART III

(6) The county court may, by order made with the consent of the parties concerned, authorise the inclusion in a lease, or in any agreement collateral to a lease, of provisions excluding or modifying in relation to the lease the provisions of the said section thirty-two with respect to the repairing obligations of the parties if it appears to the court, having regard to the other terms and conditions of the lease and to all the circumstances of the case, that it is reasonable to do so; and any provision so authorised shall have effect accordingly.

(7) Subject to the last foregoing subsection, any covenant or agreement, whether contained in a lease to which the said section thirty-two applies or in any agreement collateral to such a lease, shall be void so far as it purports to exclude or limit the obligations of the lessor or the immunities of the lessee under that section, or to authorise any forfeiture or impose on the lessee any penalty, disability or obligation, in the event of his enforcing or relying upon those obligations or immunities.

(8) The county court shall have jurisdiction to make a declaration that section thirty-two of this Act applies, or does not apply, to a lease, whatever the net annual value of the property in question and notwithstanding that the applicant for the declaration does not seek any relief other than the declaration.

### *Town development*

**34.—**(1) If the Minister is satisfied that development which would be town development as defined by section one of the Town Development Act, 1952, if it were carried out in a county district can be with advantage carried out—

Town development.

- (a) in a county borough, or partly in one county borough and partly in another, or
- (b) partly in a county borough and partly in a county district,

he may by order designate that development as town development as so defined, and as development to which section two of that Act (under which the Minister may contribute to the expense of certain development) applies; and that Act shall apply accordingly subject to any necessary modifications and, in particular, as if any such county borough or county district were, in relation to the development, a receiving district as defined by subsection (2) of section one of the said Act.

An order under this subsection shall be made by statutory instrument and may be revoked or varied by a subsequent order so made.

**PART III**

(2) Section four of the Town Development Act, 1952 (which enables the council of a county borough or county district to contribute to the expense of development which relieves congestion in their area), shall apply to the council of a county as it applies to the council of a county borough or county district.

(3) The council of a county may make the services of any of their officers or servants available to the council of a receiving district for the purposes of any development in respect of which the council of the county can make a contribution under the said section four as amended by the last foregoing subsection.

(4) In this section "the Minister" means the Minister of Housing and Local Government.

*General***Financial provisions.**

**35.**—(1) There shall be paid out of money provided by Parliament any increase which may, in consequence of the provisions of this Act, become so payable under any other Act.

(2) There shall be paid into the Exchequer any sums falling to be so paid in consequence of any of the provisions of this Act.

**Short title, interpretation, commencement, extent and repeals.**

**36.**—(1) This Act may be cited as the Housing Act, 1961.

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

(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) This Act shall not extend to Scotland or Northern Ireland.

(5) The Acts mentioned in the Fourth Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.



## SCHEDULES

### FIRST SCHEDULE

Section 4.

#### EXCHEQUER SUBSIDIES FOR LOCAL AUTHORITIES IN SPECIAL CASES

##### PART I

##### SUPPLEMENTAL PAYMENTS

##### *Qualification for supplemental payment*

1.—(1) An additional sum shall be added under this Schedule if and only if in respect of the financial year preceding that in which the dwelling was completed the total of the amounts in the pound of the rates made in the local authority's area exceeded the weighted average of the rates made in the areas of all local authorities in England and Wales.

(2) In the application of the foregoing sub-paragraph to a rating area in which different rates were made in different parts of the area, the rates made in the area shall be the weighted average of the rates made in those different parts of the area; and in the application of that sub-paragraph to the London County Council the rates made in the Council's area shall be the weighted average of the rates made in the metropolitan boroughs and the City of London.

(3) For the purposes of sub-paragraph (1) and sub-paragraph (2) of this paragraph a weighted average in relation to any areas means an average of the total of the amounts in the pound of the rates made in the respective areas weighted by reference to the product of a penny rate in those respective areas for the year in question; and the average shall be taken by applying to the rate in each area the percentage which the penny rate product for that area represents out of the aggregate of the penny rate products for all the areas in question, and summing the products.

(4) In ascertaining under the last foregoing sub-paragraph the weighted average of the rates made in different parts of a rating area the following rules shall have effect to take account of any hereditament (hereafter referred to as a special hereditament) which, although treated for certain purposes as included in the rating area, is taken not to be situated in any part of the rating area in which there are leviable (as an additional item of the general rate) expenses which are not leviable in the area taken as a whole—

1. There shall be included in the products to be summed under the last foregoing sub-paragraph the product resulting from applying to the amounts in the pound of the rates made for the year and area in question, otherwise than as additional items for expenses not leviable in the area taken as a whole, the percentage which the penny rate product of any special hereditaments in the rating area represents out of the penny rate product for the rating area as a whole.
2. The percentage to be applied in ascertaining each other of the products to be summed shall be the percentage which the penny rate product for the part of the area in question (excluding the product from any special hereditament) represents out of the penny rate product for the rating area as a whole.

1ST SCH. (5) In this paragraph "rate" means the general rate except that, in relation to the City of London, it includes the poor rate.

*Dwellings completed before April, 1964*

2.—(1) This paragraph applies to any dwelling completed before the first day of April, nineteen hundred and sixty-four.

(2) The amount of the local authority's deficit as ascertained under section four of this Act (with any reduction required under the next following sub-paragraph) shall be compared with the product in their area for the financial year preceding that in which the dwelling was completed—

- (a) of a rate of one shilling and threepence in the pound, and
- (b) of a rate of two shillings and sixpence in the pound, and
- (c) of a rate of three shillings and ninepence in the pound,

and if the amount of the deficit (with any reduction so required) exceeds the said product of a rate of one shilling and threepence in the pound, then, subject to paragraph 1 of this Schedule, a sum shall be added under this Schedule to arrive at the annual exchequer subsidy, and its amount shall be that specified in the following Table.

TABLE

| Where the amount of the deficit (with any reduction so required)—                                                | Sum to be added— |
|------------------------------------------------------------------------------------------------------------------|------------------|
| exceeds the product of a rate of one shilling and threepence, but not of a rate of two shillings and sixpence.   | five pounds      |
| exceeds the product of a rate of two shillings and sixpence, but not of a rate of three shillings and ninepence. | ten pounds       |
| exceeds the product of a rate of three shillings and ninepence.                                                  | sixteen pounds   |

(3) If for the local authority's area for the financial year preceding that in which the dwelling was completed, the product of a penny rate is less than the standard penny rate product as defined in section five of the Local Government Act, 1958 (which authorises the payment of Rate-deficiency Grants), then (to exclude from grant under Part I of this Act what would be met out of Rate-deficiency Grants) the last foregoing sub-paragraph shall apply with the amount of the deficit reduced by—

- (a) dividing by the said standard penny rate product, and
- (b) multiplying by the said product of a penny rate.

For the purposes of this sub-paragraph the said standard penny rate product, as defined in the said section five, and the said product of a penny rate, shall be taken as notified by the Minister

to the local authority together with the latest estimate of Rate-deficiency Grant which the Minister, in accordance with regulations made under the Local Government Act, 1948, for the purposes of the said section five, notifies to the local authority before the end of the year preceding that in which the dwelling was completed.

*Dwellings completed in and after April, 1964*

3.—(1) This paragraph applies to any dwelling completed on or after the first day of April, nineteen hundred and sixty-four.

(2) The last foregoing paragraph shall apply to any dwelling to which this paragraph applies but as if for references to the sums of one shilling and threepence, two shillings and sixpence and three shillings and ninepence there were substituted respectively references to those sums adjusted by—

- (a) dividing by the aggregate product of a penny rate for the areas of all local authorities in England and Wales for the year beginning on the first day of April, nineteen hundred and sixty-three, and
- (b) multiplying by the said aggregate for the year beginning on the first day of April, nineteen hundred and sixty-two,

and rounded off to the nearest penny.

*Definition of Product of a Rate*

4.—(1) This paragraph shall apply where for the purposes of any provision in this Part of this Schedule, other than subparagraph (3) of paragraph 2, it is necessary to ascertain the product of a rate of a specified sum in the pound for any area.

(2) If for the area and the year in question the product of a penny rate has been estimated under paragraph (d) of subsection (2) of section nine of the Rating and Valuation Act, 1925, that estimate shall be employed for ascertaining the product of any specified sum in the pound.

(3) If there is no such estimate, the product shall be that given by such estimate made by the local authority or the Minister as the Minister may direct.

**PART II**

**ASCERTAINMENT OF RELEVANT YEAR AND GROSS VALUE**

*The relevant year*

5.—(1) Subject to this paragraph, the relevant financial year in relation to any dwelling shall be the financial year preceding that in which the dwelling was completed.

(2) If, in the opinion of the Minister, adequate information as to the local authority's Housing Revenue Account for that year will not be available within a reasonable time after the completion of the dwelling, the relevant financial year in relation to that dwelling shall be such earlier financial year as the Minister may determine having regard to the availability of information about the local authority's Housing Revenue Account for that earlier year.

## 1ST SCH.

*Ascertainment of gross value*

6.—(1) Subject to this paragraph, the gross value of a local authority's houses for the relevant financial year shall be ascertained by adding—

- (a) the aggregate of the gross value of the houses within the local authority's Housing Revenue Account for the last year preceding the relevant financial year, and
- (b) the aggregate of the gross value of the houses within their Housing Revenue Account for the relevant financial year, and dividing by two.

(2) Subject to the next following sub-paragraph, the gross value of the houses under paragraphs (a) and (b) of the foregoing sub-paragraph shall be their gross value for rating purposes as shown in the valuation list on the thirty-first day of March in the year preceding the relevant financial year, or, as the case may be, in the relevant financial year and, if any of those houses are comprised in a hereditament which also comprises premises not used for the purposes of a private dwelling, a proportionate part of the gross value of the hereditament as so shown on the said thirty-first day of March.

(3) Where gross value is to be ascertained under the last foregoing sub-paragraph at a time after the first day of April, nineteen hundred and sixty-three, that gross value shall continue to be ascertained by reference to the valuation list in force before that date, and for a hereditament not included in that list when it ceases to be in force the valuation officer shall for the purposes of this paragraph determine its gross value in the manner prescribed by the Valuation for Rating Act, 1953.

(4) In this paragraph "the valuation officer" has the same meaning as in Part III of the Local Government Act, 1948.

## Section 11.

## SECOND SCHEDULE

## AMENDMENTS OF ENACTMENTS RELATING TO FINANCIAL ASSISTANCE FOR HOUSING ACCOMMODATION

## PART I

## APPLICATION OF ENACTMENTS TO EXCHEQUER SUBSIDIES UNDER THIS ACT

*The Town Development Act, 1952*  
(15 & 16 Geo. 6. and 1 Eliz. 2. c. 54.)

1. The expression "house", in a context importing a reference to any annual exchequer subsidy in respect thereof under this Act, shall be construed as having the meaning of "dwelling" as defined for the purposes of Part I of this Act.

2. In paragraph (c) of subsection (2) of section three, in paragraph (f) of subsection (1) of section eight and in subsection (1) of section fourteen of the said Act (which relate respectively to the withholding or postponement of exchequer contributions, the assignment of the right to receive them, and the transfer of dwellings in respect of which they are payable) references to those contributions shall include references to annual exchequer subsidies under Part I of this Act.

*The Housing Act, 1957*  
(5 & 6 Eliz. 2. c. 56.)

2ND SCH.

3. Subsection (1) of section one hundred and fourteen of the Housing Act, 1957 (which relates to the reservation of houses for the agricultural population), shall apply in relation to annual exchequer subsidies under Part I of this Act increased under subsection (3) of section five of this Act as it applies in relation to the subsidies and contributions there mentioned.

*The Housing (Financial Provisions) Act, 1958*  
(6 & 7 Eliz. 2. c. 42)

4.—(1) Any exchequer subsidy payable under paragraph (a) of subsection (1) of section one of this Act shall be included in the definition of “exchequer payment” in subsection (2) of section fifty-eight of the Housing (Financial Provisions) Act, 1958.

(2) In subsection (2) of section twenty-nine of the said Act (which defines certain payments connected with authorised arrangements)—

- (a) in paragraph (a) references to a subsidy payable under section one of that Act shall include references to a subsidy payable under section one of this Act, and
- (b) in paragraph (b) references to an annual grant payable under section one of that Act shall include references to an annual grant payable under section one of this Act.

5. In subsection (4) of section nineteen of the said Act (which relates to the discontinuance of subsidy where a dwelling provided by a development corporation is sold or let) the reference to a subsidy payable under section one of that Act shall include a reference to a subsidy payable under section one of this Act.

6.—(1) In section twenty-three and subsection (1) of section twenty-four of the said Act (which relate to county council contributions for houses for the agricultural population) references to exchequer subsidies increased under section five of that Act shall include references to exchequer subsidies increased under subsection (3) of section five of this Act.

(2) For the proviso to the said section twenty-three there shall be substituted the following proviso—

“ Provided that the Minister may by order contained in a statutory instrument direct that any contribution under this section shall be reduced to such amount as may be specified in the order.

An order under this proviso shall not be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament, 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.”

7. In subsections (1) and (2) of section twenty-five of the said Act (which relates to cases where a county council acts for the council of a county district, either by agreement or in pursuance of an

## 2ND SCH.

order made under section one hundred and seventy-one or section one hundred and seventy-three of the Housing Act, 1957) references to the sections of that Act there mentioned shall include references to Part I of this Act, but the amount of any subsidy payable under section four of and the First Schedule to this Act shall be calculated as if the dwellings in question had been provided by the council of the county district concerned, and as if any income received and any expenditure incurred by the county council under the agreement or order which, if received or incurred by the said council of a county district, would have been included in that council's Housing Revenue Account, had in fact been so included.

8. In section twenty-eight of the said Act of 1958 (which relates to the time and manner of payment of subsidies) the reference to that Act shall include a reference to this Act.

9. In section thirty-six of the said Act of 1958 (which relates to Exchequer contributions towards improvement grants), in the proviso to subsection (2) for the words "under section two of this Act" there shall be substituted the words "made by the Minister by statutory instrument", and at the end of that section there shall be added the following subsection—

"(6) An order under the said proviso shall not be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament, 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."

10. Section fifty-seven of the said Act of 1958 (which relates to the Isles of Scilly) shall apply in relation to this Act as it applies in relation to the provisions specified in subsection (3) of that section.

*The Town and Country Planning Act, 1959*  
(7 & 8 Eliz. 2 c. 53)

11. In the definition of "grant-aided function" in subsection (1) of section fifty-seven of the Town and Country Planning Act, 1959 (which excludes any exchequer subsidy under the Housing (Financial Provisions) Act, 1958), the reference to such a subsidy shall include a reference to a subsidy under Part I of this Act.

## PART II

## OTHER AMENDMENTS

*The Housing, &c. Act, 1923*  
(13 & 14 Geo. 5. c. 24)

12. Section two of the Housing, &c. Act, 1923 (under which local authorities may give financial assistance for the provision of housing accommodation), shall cease to have effect except as respects houses built before the commencement of this Act.

*The Housing (Financial Provisions) Act, 1958*  
(6 & 7 Eliz. 2. c. 42)

13. In paragraph (a) of subsection (1) of section nineteen of the Housing (Financial Provisions) Act, 1958, for the word "corporation" where it first occurs, there shall be substituted the words "local authority".

2ND SCH.

14. Any payment which the Minister is authorised to make under paragraph (b) of subsection (3) of section nineteen of the said Act (which deals with the case where a subsidised dwelling provided by a development corporation vests in a local authority) shall be included in the expression "exchequer payment" as defined in subsection (2) of section fifty-eight of that Act.

15. As respects any financial year beginning on or after the first day of April, nineteen hundred and sixty-one, the Fifth Schedule to the said Act (which relates to the Housing Revenue Accounts of local authorities) shall apply—

(a) with the addition of the following sub-paragraph to paragraph 4 of that Schedule—

"(2) In the case of incomings and outgoings other than those mentioned in the foregoing provisions of this Schedule, directions under this paragraph may (instead of directing particular amounts to be credited or debited) direct generally that credits or debits shall be made in respect of incomings or outgoings of a kind specified in the direction";

(b) with the substitution of the following paragraph for paragraph 5 of that Schedule—

"5. Any surplus shown in a Housing Revenue Account at the end of a financial year may be applied by the local authority, in whole or in part, in making good to the general rate fund any contribution credited to the account under sub-paragraphs (5) and (6) of paragraph 1 of this Schedule in any of the nine last preceding financial years, and, so far as not so applied, shall be carried to the credit of the account for the next financial year."

*The New Towns Act, 1959*  
(7 & 8 Eliz. 2. c. 62)

16. It is hereby declared that the reference in sub-paragraph (1) of paragraph 4 of the Second Schedule to the New Towns Act, 1959 (which provides for the continuance of subsidies where functions and property of a development corporation are transferred to the Commission for the New Towns), to any enactment includes a reference to an enactment passed after that Act and, in particular, to the provisions of this Act.

### THIRD SCHEDULE

Section 24.

#### ORDERS EXCLUDING BUILDINGS FROM A CLEARANCE AREA

##### PART I

##### PROCEDURE FOR MAKING ORDERS

1. An order under section twenty-four of this Act (hereafter in this Schedule referred to as the principal section) shall be in the prescribed form and shall describe by reference to a map—

- (a) the clearance area to which it relates,
- (b) the area affected by the clearance order to which it relates, and
- (c) the houses and other buildings to be excluded by the order under the principal section from the clearance area.

3RD SCH.

2.—(1) As soon as practicable after making the order, the local authority shall—

(a) publish in a newspaper circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the houses and other buildings to be excluded by the order from the clearance area and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours, and

(b) serve on every owner and occupier of any house or other building to be excluded by the order from the clearance area a notice in the prescribed form.

(2) A notice under paragraph (b) of the foregoing sub-paragraph shall—

(a) set out the effect of the order,

(b) state that the order is about to be submitted to the Minister for confirmation, and specify the time within which and the manner in which objections to the order can be made, and

(c) draw attention to the provisions of Part II of this Schedule which come into effect on the making of the order.

(3) After the required notices have been given the local authority shall submit the order to the Minister for confirmation.

3.—(1) 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, then, subject to the provisions of this paragraph, the Minister may, if he thinks fit, confirm the order with or without modification.

(2) If any objection duly made by any such person is not withdrawn, the Minister shall, before confirming the order, either cause a public local inquiry to be held or afford to any person by whom an objection has been duly made as aforesaid and not withdrawn an opportunity of appearing before and being heard by a person appointed for the purpose, and, after considering any objection not withdrawn and the report of the person who held the inquiry or of the person appointed as aforesaid, may, subject to the provisions of this paragraph, confirm the order with or without modification.

(3) An order as confirmed under this paragraph shall not exclude from the clearance area any building which would not have been excluded if the order had been confirmed without modification, except that the Minister may under this paragraph modify an order so as to exclude a house or other building—

(a) which was properly included in the clearance area only on the ground that by reason of its bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets, it is dangerous or injurious to the health of the inhabitants of the area, and

(b) which has not been included in a clearance order or compulsory purchase order under Part III of the principal Act, if every owner of the building, and the occupier of every part of the building, have given their consent in writing.



(4) The order shall come into force when it is confirmed.

3RD SCH.

(5) As soon as the order is confirmed the local authority—

- (a) shall publish in a newspaper circulating in their district a notice in the prescribed form stating that the order has been confirmed and naming a place where a copy of the order as confirmed and of the map referred to therein may be seen at all reasonable hours, and
- (b) shall serve a like notice on every person having an interest in every house or other building comprised in the order, whether as freeholder, lessee, mortgagee or otherwise.

## PART II

### CONSEQUENCE OF MAKING ORDER

#### *Suspension of duty to vacate and demolish building*

4.—(1) On the date on which an order is made under the principal section, subsection (3) of section forty-four of the principal Act (which makes it the duty of the owner of a building comprised in a clearance order to demolish it) shall cease to apply to the houses and other buildings comprised in the order under the principal section.

(2) On the said date—

- (a) so much of the clearance order as relates to the vacation of buildings, and
  - (b) subsections (2), (3) and (4) of section forty-five of the principal Act (which relate to the recovery of possession), and
  - (c) any notice served under the said section forty-five,
- shall cease to apply to the houses and other buildings comprised in the order under the principal section.

#### *Re-imposition of duties where order is not confirmed*

5.—(1) If the Minister notifies the local authority that he declines to confirm the order, or if the order as confirmed does not comprise any houses or other buildings which were comprised in the order as submitted to the Minister, the provisions of this paragraph shall have effect as regards the houses or other buildings in the unconfirmed order or, as the case may be, the houses or other buildings not comprised in the order as confirmed.

(2) The local authority shall fix the date by which the houses or other buildings are to be vacated for the purposes of demolition, and may fix different dates for different buildings; and sections forty-four and forty-five of the principal Act shall apply as if that date had been fixed for those purposes by the clearance order.

(3) The local authority shall not less than twenty-eight days before the date (or the earliest date) fixed under the last foregoing sub-paragraph serve on the owner or owners of the houses or other buildings a notice giving them that date and informing them of their duty under subsection (3) of the said section forty-four as applied by this paragraph to demolish the houses or other buildings.

## 3RD SCH.

*Payments for well maintained houses and houses held by owner-occupiers*

6.—(1) After the making of an order under the principal section the right to any payment under section sixty or section sixty-one of the principal Act (under which payments may be made for houses in clearance areas which have been well maintained or, in certain circumstances, which are held by an owner-occupier) shall be suspended as respects the houses or other buildings comprised in the order, but—

- (a) if the Minister notifies the local authority that he declines to confirm the order, that right shall again be enforceable, and
- (b) if the order as confirmed does not comprise a house or building which was comprised in the order as submitted to the Minister, that right shall again be enforceable in relation to the house or other building not comprised in the order as confirmed.

(2) Except so far as any undertaking given to a local authority so provides, the coming into operation of an order under the principal section shall not give rise to a duty to repay any payment which has been made under the said section sixty or the said section sixty-one before that time.

*Condemned houses let to local authorities*

7. Paragraphs 4 and 5 of this Schedule shall not apply to a house comprised in a clearance order which, in pursuance of section forty-six of the principal Act, provides that the demolition of the house in pursuance of the clearance order is to be postponed until the authority determine that the house is no longer required for use for housing purposes.

*Condemned houses temporarily occupied under licence*

8.—(1) Sub-paragraph (2) of paragraph 4 of this Schedule shall not apply to any house as respects which a licence is for the time being in force under section fifty-three of the principal Act (which relates to houses in existing clearance areas temporarily occupied under licence from the local authority), and paragraph 5 of this Schedule shall not apply to a house as respects which such a licence is in force at the time when the Minister notifies the local authority that he declines to confirm the order or, as the case may be, at the time when he confirms the order.

(2) On the confirmation of an order under the principal section any licence in force under the said section fifty-three as respects a house excluded from the clearance area by the order shall cease to have effect.

## FOURTH SCHEDULE

Section 36.

## REPEALS

| Session and Chapter       | Short Title                                   | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 13 & 14 Geo. 5.<br>c. 24. | The Housing, &c. Act, 1923.                   | Section two, except as respects houses built before the commencement of this Act.                                                                                                                                                                                                                                                                                                  |
| 14 & 15 Geo. 5.<br>c. 35. | The Housing (Financial Provisions) Act, 1924. | Section fifteen, except as respects houses built before the commencement of this Act.<br>In the Second Schedule, the amendment of section two of the Housing, &c. Act, 1923, except as respects houses built before the commencement of this Act.                                                                                                                                  |
| 5 & 6 Eliz. 2.<br>c. 56.  | The Housing Act, 1957                         | Section thirty-six, except as respects notices given before the commencement of this Act.<br>In section thirty-eight, subsection (2).<br>In section ninety, subsection (5).<br>In section one hundred and twenty-four the words "in any of the five years next following the date on which he recognises the said body".<br>In section one hundred and sixty-nine, subsection (2). |
| 6 & 7 Eliz. 2.<br>c. 42.  | The Housing (Financial Provisions) Act, 1958. | Sections one to six as respects dwellings qualified to be considered for approval by the Minister under subsection (1) of section one of this Act.                                                                                                                                                                                                                                 |
| 7 & 8 Eliz. 2.<br>c. 33.  | The House Purchase and Housing Act, 1959.     | In section four, in paragraph (d) of subsection (1), the words "in or contiguous to the dwelling" and subsection (5).                                                                                                                                                                                                                                                              |

*Table of Statutes referred to in this Act*

| Short Title                                      | Session and Chapter                   |
|--------------------------------------------------|---------------------------------------|
| Industrial and Provident Societies Act, 1893 ... | 56 & 57 Vict. c. 39.                  |
| Public Works Loans Act, 1897... ..               | 60 & 61 Vict. c. 51.                  |
| Law of Property Act, 1925 ... ..                 | 15 & 16 Geo. 5. c. 20.                |
| Land Charges Act, 1925 ... ..                    | 15 & 16 Geo. 5. c. 22.                |
| Rating and Valuation Act, 1925 ... ..            | 15 & 16 Geo. 5. c. 90.                |
| National Loans Act, 1939 ... ..                  | 2 & 3 Geo. 6. c. 117.                 |
| New Towns Act, 1946 ... ..                       | 9 & 10 Geo. 6. c. 68.                 |
| Fire Services Act, 1947 ... ..                   | 10 & 11 Geo. 6. c. 41.                |
| Local Government Act, 1948 ... ..                | 11 & 12 Geo. 6. c. 26.                |
| Agricultural Holdings Act, 1948 ... ..           | 11 & 12 Geo. 6. c. 63.                |
| Town Development Act, 1952 ... ..                | 15 & 16 Geo. 6 & 1 Eliz. 2.<br>c. 54. |
| Valuation for Rating Act, 1953 ... ..            | 1 & 2 Eliz. 2. c. 42.                 |
| Landlord and Tenant Act, 1954 ... ..             | 2 & 3 Eliz. 2. c. 56.                 |
| Housing Subsidies Act, 1956 ... ..               | 4 & 5 Eliz. 2. c. 33.                 |
| 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.                 |
| Local Government Act, 1958 ... ..                | 6 & 7 Eliz. 2. c. 55.                 |
| House Purchase and Housing Act, 1959 ... ..      | 7 & 8 Eliz. 2. c. 33.                 |
| Town and Country Planning Act, 1959 ... ..       | 7 & 8 Eliz. 2. c. 53.                 |
| New Towns Act, 1959 ... ..                       | 7 & 8 Eliz. 2. c. 62.                 |

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Tanganyika Independence Act, 1961

10 ELIZ. 2

CHAPTER 1

ARRANGEMENT OF SECTIONS

Section

1. Fully responsible status of Tanganyika.
2. Consequential modifications of British Nationality Acts.
3. Consequential modification of other enactments.
4. Property vested in, and grants to Tanganyika Agricultural Corporation, and loans under the Colonial Development and Welfare Act, 1959.
5. Short title and interpretation.

SCHEDULES:

First Schedule—Legislative powers of Tanganyika.

Second Schedule—Amendments not affecting the law of Tanganyika.

An Act to make provision for, and in connection with, the attainment by Tanganyika of fully responsible status within the Commonwealth. [22nd November, 1961]

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

1.—(1) On the ninth day of December, nineteen hundred and sixty-one (in this Act referred to as the appointed day) Tanganyika (the limits of which are defined in Article 1 of the Tanganyika Order in Council, 1920) shall become part of Her Majesty's dominions under the name of Tanganyika and as from that day Her Majesty's Government in the United Kingdom shall have no responsibility for the government of Tanganyika.

Fully responsible status of Tanganyika.

(2) No Act of the Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to Tanganyika as part of the law thereof, and the provisions of the First Schedule to this Act shall have effect as from that day with respect to the legislative powers of Tanganyika.

(3) Subsection (1) of this section shall not affect the operation in Tanganyika of any enactment, or any other instrument having the effect of law, passed or made before the appointed day, or be taken to extend any such enactment or instrument to Tanganyika as part of the law thereof.

2.—(1) As from the appointed day, the British Nationality Acts, 1948 and 1958, shall have effect as if—

Consequential modifications of British Nationality Acts.

(a) in subsection (3) of section one of the said Act of 1948 (which provides for persons to be British subjects or Commonwealth citizens by virtue of citizenship of certain countries) the word "and" in the last place where it occurs were omitted, and at the end there were added the words "and Tanganyika";

(b) in the British Protectorates, Protected States and Protected Persons Order in Council, 1949, the definition of "trust territory" in Article 2, the references to a trust territory in Articles 9 and 10, and the Third Schedule were omitted;

but a person who immediately before the appointed day is for the purposes of the said Acts and Order in Council a British protected person by virtue of his connection with Tanganyika shall not cease to be such a British protected person for any of those purposes by reason of anything contained in the foregoing provisions of this Act, but shall so cease upon his becoming a citizen of Tanganyika under the law thereof.

(2) Subject to the following provisions of this section, any person who immediately before the appointed day is a citizen of the United Kingdom and Colonies shall on that day cease to be such a citizen if—

(a) under the law of Tanganyika he becomes on that day a citizen of Tanganyika; and

(b) he, his father or his father's father was born in Tanganyika.

(3) Subject to subsection (8) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under the last foregoing subsection if he, his father or his father's father—

- (a) was born in the United Kingdom or in a colony; or
- (b) is or was a person naturalised in the United Kingdom and Colonies; or
- (c) was registered as a citizen of the United Kingdom and Colonies; or
- (d) became a British subject by reason of the annexation of any territory included in a colony.

(4) A person shall not cease to be a citizen of the United Kingdom and Colonies under subsection (2) of this section if he was born in a protectorate or protected state, or if his father or his father's father was so born and is or at any time was a British subject.

(5) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be such a citizen under subsection (2) of this section unless her husband does so.

(6) Subsection (2) of section six of the British Nationality Act, 1948 (which provides for the registration as a citizen of the United Kingdom and Colonies of a woman who has been married to such a citizen) shall not apply to a woman by virtue of her marriage to a person who ceases to be such a citizen under subsection (2) of this section, or who would have done so if living on the appointed day.

(7) Subject to the next following subsection, the reference in paragraph (b) of subsection (3) of this section to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the British Nationality Act, 1948, have become a person naturalised in the United Kingdom and Colonies by virtue of subsection (6) of section thirty-two of that Act (which relates to persons given local naturalisation before that commencement in a colony or protectorate).

(8) Any reference in subsection (3) or (4) of this section to a colony, protectorate or protected state shall, subject to the next following subsection, be construed as a reference to a territory which is a colony, protectorate or protected state on the appointed day; and the said subsection (3) shall not apply to a person by virtue of any certificate of naturalization granted or registration effected by the governor or government of a territory outside the United Kingdom which is not a colony, protectorate or protected state on that day.

(9) The protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in subsection (4) or (8) of this section to a protectorate.

(10) Part III of the British Nationality Act, 1948 (which contains supplemental provisions) shall have effect for the purposes of subsections (2) to (9) of this section as if those subsections were included in that Act.

3.—(1) Notwithstanding anything in the Interpretation Act, 1889, the expression “colony” in any Act of the Parliament of the United Kingdom passed on or after the appointed day shall not include Tanganyika. Consequential modification of other enactments.

(2) As from the appointed day—

(a) the expression “colony” in the Army Act, 1955, the Air Force Act, 1955, and the Naval Discipline Act, 1957, shall not include Tanganyika; and

(b) in the definitions of “Commonwealth force” in subsection (1) of section two hundred and twenty-five and subsection (1) of section two hundred and twenty-three respectively of the said Acts of 1955, and in the definition of “Commonwealth country” in subsection (1) of section one hundred and thirty-five of the said Act of 1957 the word “or” preceding the words “Sierra Leone” shall be omitted and at the end there shall be added the words “or Tanganyika”.

(3) No Order in Council made under section one of the Army and Air Force Act, 1961, shall operate to continue the Army Act, 1955, or the Air Force Act, 1955, in force as part of the law of Tanganyika.

(4) As from the appointed day, the provisions specified in the Second Schedule to this Act shall have effect subject to the amendments respectively specified in that Schedule, and Her Majesty may by Order in Council, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make such further adaptations in any Act of the Parliament of the United Kingdom passed before this Act, or in any instrument having effect under any such Act, as appear to Her necessary in consequence of section one of this Act; and any Order in Council made under this subsection may be varied or revoked by a subsequent Order in Council so made and, though made after the appointed day, may be made so as to have effect from that day.

This subsection shall not extend to Tanganyika as part of the law thereof.

4.—(1) The Overseas Resources Development Act, 1954 (which, so far as still in force, provides for the reservation or disposal of property vested by that Act in the Tanganyika Agricultural Corporation and for the payment to the Secretary of State of the net proceeds of any such disposal) shall cease to have effect. Property vested in, and grants to Tanganyika Agricultural Corporation, and loans under Colonial Development and Welfare Act, 1959.

(2) The Tanganyika Agricultural Corporation Act, 1957 (which authorises the Secretary of State to make grants to the Governor of Tanganyika for the carrying on by the Tanganyika Agricultural Corporation of the undertaking transferred to it by section one of the said Act of 1954) shall have effect, as from the appointed day, as if for the references to the Governor there were substituted references to the government of Tanganyika.

(3) If, under any agreement made on or after the appointed day between the governments of Tanganyika and one or more territories which are colonies within the meaning of the Colonial Development and Welfare Act, 1959, an organisation is established for the purpose of providing or administering services which are common to, or relate to matters of common interest to, Tanganyika and that territory or those territories, section two of that Act (which authorises the making of loans by the Secretary of State) shall apply in relation to that organisation and the revenues and assets of Tanganyika as it applies in relation to the government of a colony and the revenues and assets of a colony.

Short title and interpretation.

5.—(1) This Act may be cited as the Tanganyika Independence Act, 1961.

(2) References in this Act to any enactment are references to that enactment as amended or extended by or under any other enactment.

SCHEDULES

FIRST SCHEDULE

LEGISLATIVE POWERS OF TANGANYIKA

1. The Colonial Laws Validity Act, 1865, shall not apply to any law made by the legislature of Tanganyika.

2. No law and no provision of any law made by that legislature shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any Act of the Parliament of the United Kingdom, including this Act, or to any order, rule or regulation made under any such Act, and, subject to paragraph 5 of this Schedule, the powers of that legislature shall include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of Tanganyika.

3. The legislature of Tanganyika shall have full power to make laws having extra-territorial operation.

4. Without prejudice to the generality of the foregoing provisions of this Schedule, sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as though references therein to the legislature of a British possession did not include references to the legislature of Tanganyika.

Section 1.

5. Nothing in this Act shall confer on the legislature of Tanganyika 1st. Sch. any power to repeal, amend or modify the constitutional provisions otherwise than in such manner as may be provided for in those provisions.

In this paragraph "the constitutional provisions" means this Act, any Order in Council made before the appointed day which revokes the Tanganyika Orders in Council, 1920 to 1961 and the Tanganyika (National Assembly) Orders in Council, 1926 to 1961, and any law, or instrument made under a law, of the legislature of Tanganyika made on or after the appointed day which amends, modifies, re-enacts with or without amendment or modification, or makes different provision in lieu of, any provisions of this Act, that Order in Council or any such law or instrument previously made.

SECOND SCHEDULE

Section 3.

AMENDMENTS NOT AFFECTING THE LAW OF TANGANYIKA

Diplomatic immunities

1. In section four hundred and sixty-one of the Income Tax Act, 1952 (which relates to exemption from income tax in the case of certain Commonwealth representatives and their staffs), in subsection (2) and subsection (3), the word "or" preceding the words "Sierra Leone" shall be omitted and after those words there shall be inserted the words "or Tanganyika".

2. In subsection (6) of section one of the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952, after the words "Sierra Leone" there shall be inserted the word "Tanganyika".

3. In subsection (5) of section one of the Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961, after the words "Sierra Leone" there shall be inserted the word "Tanganyika".

Financial

4. In subsection (4) of section two of the Import Duties Act, 1958, after the words "Sierra Leone" there shall be inserted the word "Tanganyika".

Visiting forces

5. In the Visiting Forces (British Commonwealth) Act, 1933, section four (which deals with attachment and mutual powers of command) and the definition of "visiting force" for the purposes of that Act which is contained in section eight thereof shall apply in relation to forces raised in Tanganyika as they apply in relation to forces raised in Dominions within the meaning of the Statute of Westminster, 1931.

6. In the Visiting Forces Act, 1952—

(a) in paragraph (a) of subsection (1) of section one (which specifies the countries to which that Act applies) the word "or" in the first place where it occurs shall be omitted, and at the end there shall be added the words "Tanganyika or";

(b) in paragraph (a) of subsection (1) of section ten the expression "colony" shall not include Tanganyika;

2ND SCH.

and, until express provision with respect to Tanganyika is made by an Order in Council under section eight of that Act (which relates to the application to visiting forces of law relating to home forces) any such Order for the time being in force shall be deemed to apply to visiting forces of Tanganyika.

Ships and aircraft

7. In subsection (2) of section four hundred and twenty-seven of the Merchant Shipping Act, 1894, as substituted by section two of the Merchant Shipping (Safety Convention) Act, 1949, the word "or" preceding the words "Sierra Leone" shall be omitted and after those words there shall be inserted the words "or Tanganyika".

8. In the proviso to subsection (2) of section six of the Merchant Shipping Act, 1948, the word "or" in the last place where it occurs shall be omitted and at the end there shall be added the words "or Tanganyika".

9. In the definition of "excepted ship or aircraft" in paragraph 3 of the Third Schedule to the Emergency Laws (Repeal) Act, 1959, the word "or" preceding the words "Sierra Leone" shall be omitted and after those words there shall be inserted the words "or Tanganyika".

10. The Ships and Aircraft (Transfer Restriction) Act, 1939, shall not apply to any ship by reason only of its being registered in, or licensed under the law of, Tanganyika; and the penal provisions of that Act shall not apply to persons in Tanganyika (but without prejudice to the operation with respect to any ship to which that Act does apply of the provisions thereof relating to the forfeiture of ships).

11. In the Whaling Industry (Regulation) Act, 1934, the expression "British ship to which this Act applies" shall not include a British ship registered in Tanganyika.

12. In paragraph (b) of subsection (7) of section two of the Civil Aviation (Licensing) Act, 1960, the expression "colony" shall not include Tanganyika.

Copyright

13. The references in section thirty-one of the Copyright Act, 1956, to a colony shall not include Tanganyika.

14. If the Copyright Act, 1911, so far as in force in the law of Tanganyika is repealed or amended by that law at a time when sub-paragraph (2) of paragraph 39 of the Seventh Schedule to the Copyright Act, 1956 (which applies certain provisions of that Act in relation to countries to which the said Act of 1911 extended) is in force in relation to Tanganyika, the said sub-paragraph (2) shall thereupon cease to have effect in relation thereto.

Divorce jurisdiction

15. In subsection (2) of section two of the Indian and Colonial Divorce Jurisdiction Act, 1926 (which enables section one of that Act to be extended to certain countries, but not to any of the countries named in the said subsection (2)) the word "and" shall be omitted in the last place where it occurs and at the end there shall be added the words "and Tanganyika".

Commonwealth Institute

2ND SCH.

16. In subsection (2) of section eight of the Imperial Institute Act, 1925, as amended by the Commonwealth Institute Act, 1958 (which relates to the power to vary the provisions of the said Act of 1925 if an agreement for the purpose is made with the governments of certain territories which for the time being are contributing towards the expenses of the Commonwealth Institute) the word "and" shall be omitted and at the end there shall be added the words "and Tanganyika".

Table of Statutes referred to in this Act

| Short Title | Session and Chapter |
|--|------------------------------------|
| Colonial Laws Validity Act, 1865 ... | 28 & 29 Vict. c. 63. |
| Interpretation Act, 1889 | 52 & 53 Vict. c. 63. |
| Merchant Shipping Act, 1894 | 57 & 58 Vict. c. 60. |
| Copyright Act, 1911 | 1 & 2 Geo. 5. c. 46. |
| Imperial Institute Act, 1925 | 15 & 16 Geo. 5. c. xvii. |
| Indian and Colonial Divorce Jurisdiction Act, 1926 | 16 & 17 Geo. 5. c. 40. |
| Statute of Westminster, 1931 | 22 & 23 Geo. 5. c. 4. |
| Visiting Forces (British Commonwealth) Act, 1933 | 23 & 24 Geo. 5. c. 6. |
| Whaling Industry (Regulation) Act, 1934 | 24 & 25 Geo. 5. c. 49. |
| Ships and Aircraft (Transfer Restriction) Act, 1939 | 2 & 3 Geo. 6. c. 70. |
| Merchant Shipping Act, 1948 | 11 & 12 Geo. 6. c. 44. |
| British Nationality Act, 1948 | 11 & 12 Geo. 6. c. 56. |
| Merchant Shipping (Safety Convention) Act, 1949 | 12, 13 & 14 Geo. 6. c. 43. |
| Income Tax Act, 1952 | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 10. |
| Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952 | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 18. |
| Visiting Forces Act, 1952... .. | 15 & 16 Geo. 6 & 1 Eliz. 2. c. 67. |
| Overseas Resources Development Act, 1954 | 2 & 3 Eliz. 2. c. 71. |
| Army Act, 1955 | 3 & 4 Eliz. 2. c. 18. |
| Air Force Act, 1955 | 3 & 4 Eliz. 2. c. 19. |
| Copyright Act, 1956 | 4 & 5 Eliz. 2. c. 74. |
| Naval Discipline Act, 1957 | 5 & 6 Eliz. 2. c. 53. |
| Tanganyika Agricultural Corporation Act, 1957 | 5 & 6 Eliz. 2. c. 54. |
| Import Duties Act, 1958 | 6 & 7 Eliz. 2. c. 6. |
| Commonwealth Institute Act, 1958 | 6 & 7 Eliz. 2. c. 16. |
| Emergency Laws (Repeal) Act, 1959 | 7 & 8 Eliz. 2. c. 19. |
| Colonial Development and Welfare Act, 1959 | 7 & 8 Eliz. 2. c. 71. |
| Civil Aviation (Licensing) Act, 1960 | 8 & 9 Eliz. 2. c. 38. |
| Diplomatic Immunities (Conferences with Commonwealth Countries and Republic of Ireland) Act, 1961 | 9 & 10 Eliz. 2. c. 11. |
| Army and Air Force Act, 1961 | 9 & 10 Eliz. 2. c. 52. |

CHAPTER 2

An Act to provide for the grant of a new constitution for Southern Rhodesia. [22nd November, 1961]

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

Power to provide a new constitution for Southern Rhodesia by Order in Council.

1.—(1) Notwithstanding anything in the Southern Rhodesia Constitution Letters Patent, 1923, Her Majesty may by Order in Council amend, or revoke and replace by new provisions (including provision for the making by the legislature of Southern Rhodesia of laws having extra-territorial operation), all or any of the provisions of the said Letters Patent of 1923 as subsequently amended.

(2) An Order in Council under subsection (1) of this section may authorise the amendment or revocation of any of the provisions of the Order in any manner specified by the Order in relation to those provisions respectively, but nothing in this Act shall authorise any other amendment or revocation of any of the provisions of the Order.

9^a & 10 Geo. 6. c. 36.

(3) Where an Order in Council under subsection (1) of this section authorises the amendment or revocation of any of its provisions by a further Order in Council, any such further Order shall, for the purposes of the Statutory Instruments Act, 1946, be a statutory instrument within the meaning of that Act.

(4) Any Order in Council by virtue of this section shall be laid before Parliament after being made.

Short title.

2. This Act may be cited as the Southern Rhodesia (Constitution) Act, 1961.

CHAPTER 3

An Act to increase the limit imposed by section two of the Export Guarantees Act, 1949, as amended by any subsequent enactment, on the liabilities which may be undertaken by the Board of Trade in respect of guarantees under that section and certain other transactions under the Export Guarantees Acts, 1949 to 1959.

[20th December, 1961.]

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

1. In subsection (2) of section two of the Export Guarantees Act, 1949 (which, as amended by subsection (2) of section one of the Export Guarantees Act, 1959, imposes a limit of four hundred million pounds in respect of guarantees given under the said section two and related transactions entered into under the Export Guarantees Acts, 1949 to 1959 by the Board of Trade) for the words "four hundred million pounds" there shall be substituted the words "eight hundred million pounds".

Raising of limit on guarantees under s. 2 of 1949 Act and related transactions. 12, 13 & 14 Geo. 6. c. 14. 7 & 8 Eliz. 2. c. 63.

2.—(1) This Act may be cited as the Export Guarantees Act, 1961; and the Export Guarantees Acts, 1949 to 1959 and this Act may be cited together as the Export Guarantees Acts, 1949 to 1961.

Short title, citation and repeal.

(2) Subsection (2) of section one of the Export Guarantees Act, 1959, is hereby repealed.

CHAPTER 4

An Act to continue certain expiring laws.

[20th December, 1961]

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 the first and second columns of Part I of that Schedule, on the thirty-first day of December, nineteen hundred and sixty-one; and
- (b) as respects those mentioned in the first and second columns of Part II of that Schedule, on the thirty-first day of March, nineteen hundred and sixty-two;

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 the first and second columns of Part I of the Schedule to this Act shall, to the extent specified in the third column of that Part, be continued until the thirty-first day of December, nineteen hundred and sixty-two.

Continuance of Acts in Schedule.

(2) The Acts mentioned in the first and second columns of Part II of the Schedule to this Act shall, to the extent specified in the third column of that Part, be continued until the thirty-first day of March, nineteen hundred and sixty-three.

(3) Any unrepealed enactments which are temporary in their duration shall, in so far as they amend or affect any enactment continued by the foregoing provisions of this Act, be continued in like manner as that enactment whether they are mentioned in the Schedule to this Act or not.

Short title and application to Northern Ireland.
9 & 10 Geo. 5 c. 92.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act, 1961.

(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.

Section 1.

SCHEDULE

ACTS CONTINUED

PART I

Acts continued until 31st December, 1962

| Session and Chapter | Short Title | How far continued | Amending Acts |
|----------------------------|--|-------------------|---------------|
| 9 & 10 Geo. 5. c. 92 | The Aliens Restriction (Amendment) Act, 1919. | Section one | — |
| 10 & 11 Geo. 6. c. 36. | The Education (Exemptions) (Scotland) Act, 1947. | The whole Act | — |
| 12, 13 & 14 Geo. 6. c. 25. | The Tenancy of Shops (Scotland) Act, 1949. | The whole Act | — |
| 1 & 2 Eliz. 2. c. 23. | The Accommodation Agencies Act, 1953. | The whole Act | — |

PART II

Acts continued until 31st March, 1963

| Session and Chapter | Short Title | How far continued | Amending Acts |
|-----------------------|--|-------------------|---|
| 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. |
| 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. |
| 1 & 2 Eliz. 2. c. 46. | The Licensing Act, 1953 ... | Part II | — |

CHAPTER 5

An Act to make provision until the end of the year nineteen hundred and sixty-two for financing any accumulated revenue deficit of the National Coal Board.

[20th December, 1961]

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 power of the Minister to make advances to the National Coal Board under subsection (1) of section twenty-six of the Coal Industry Nationalisation Act, 1946 (which enables him to make advances to the Board for capital purposes) shall include power to advance to the Board sums required before the end of the year nineteen hundred and sixty-two for financing to an amount not exceeding fifty million pounds any accumulated deficit on revenue account. Finance for revenue deficit. 9 & 10 Geo. 6. c. 59.

(2) In this section "the Minister" means the Minister of Power; and references to section twenty-six of the Coal Industry Nationalisation Act, 1946, are references to the section substituted for that section by section one of the Coal Industry Act, 1951, and amended by subsequent enactments. 14 & 15 Geo. 6. c. 41.

2.—(1) This Act may be cited as the Coal Industry Act, 1961; and the Coal Industry Acts, 1946 to 1960, and this Act may be cited as the Coal Industry Acts, 1946 to 1961. Short title, citation and extent.

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

CHAPTER 6

ARRANGEMENT OF SECTIONS

PART I

INDUSTRIAL INJURIES

Section

1. Improved allowances in respect of incapacities arising from pre-1948 employment.
2. Extension of class of accidents treated as arising out of employment.
3. Amendments as to certain increases in injury benefit or disablement pension (or corresponding benefits).
4. Death benefit.

PART II

NATIONAL INSURANCE, OTHER THAN INDUSTRIAL INJURY INSURANCE

5. Women's retirement pensions.
6. Extension of guardian's allowance.
7. Miscellaneous amendments.

PART III

GENERAL

Section

8. Meaning of "child".
9. Recovery etc. of benefit and allowances wrongly paid.
10. Making and operation of regulations and orders.
11. Amendments as to expenses to be borne by Industrial Injuries and National Insurance Funds.
12. Expenses of Minister in furnishing addresses for maintenance proceedings, etc.
13. General financial provisions.
14. Citation, commencement, repeals, extent, etc.

SCHEDULES:

First Schedule—Provisions as to new supplementation of workmen's compensation for post-1923 cases.

Second Schedule—Set-off of overpayments on account of benefit or family allowances.

Third Schedule—Commencement, transitional provisions, etc.

Fourth Schedule—Repeals.

An Act to improve and extend the allowances payable out of the Industrial Injuries Fund in respect of injury or disease arising out of pre-1948 employment; to amend the National Insurance (Industrial Injuries) Acts, 1946 to 1960, and the National Insurance Acts, 1946 to 1960, as regards the circumstances giving a right to or affecting the continuance or rate of certain benefits, as regards the references in certain provisions relating to contributions to an income not exceeding one hundred and fifty-six pounds a year or to remuneration not exceeding sixty shillings a week, and as regards matters connected with the administration of the Acts and the making and operation of orders and regulations thereunder; to make further provision as to sums wrongly paid by way of benefit under those Acts or by way of family allowance; to alter the meaning in those Acts and the Family Allowances Acts, 1945 to 1959, of the word "child"; to provide for certain expenses of the Minister of Pensions and National Insurance; and for purposes connected therewith.

[20th December, 1961]

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
INDUSTRIAL INJURIES

1.—(1) The Workmen's Compensation and Benefit (Supple- Improved allowances out of the Industrial Injuries Fund in cases of injury or disease arising out of pre-1948 employment and resulting in total disablement or incapacity for work), shall have effect with the substitution in section two of a rate of allowance of thirty-two shillings and sixpence a week for the rate of seventeen shillings and sixpence a week. Improved allowances in respect of incapacities arising from pre-1948 employment.

(2) The Workmen's Compensation (Supplementation) Act, 1951 (which authorises the making of schemes for the payment of allowances out of the Industrial Injuries Fund in cases of injury or disease arising out of pre-1924 employment), in relation to the payment of allowances for such periods of incapacity for work as are mentioned below in this subsection—

- (a) shall be amended by the substitution in subsections (2) and (8) of section two of references to sixty-six shillings and to fifty shillings for the references to fifty-six shillings and forty shillings (which operate to limit the maximum weekly rate of allowance under any scheme); and
- (b) subject to subsection (4) below, shall authorise the making and variation of schemes so as to provide for the payment of allowances at a weekly rate not exceeding ten shillings to persons who are or have since the passing of this Act been entitled to weekly payments by way of workmen's compensation in consequence of an accident happening after the beginning of the year nineteen hundred and twenty-four.

This subsection shall have effect in relation to the payment of allowances to a person for any periods of incapacity for work resulting from the relevant injury or disease within the meaning of the Workmen's Compensation (Supplementation) Act, 1951, other than periods for which as a result of that injury or disease (with or without any other injury or disease) the Workmen's Compensation and Benefit (Supplementation) Act, 1956, applies to him, and other than periods before the coming into force of this subsection.

(3) The Industrial Diseases (Benefit) Acts, 1951 and 1954 (which authorise the making of schemes for the payment of allowances out of the Industrial Injuries Fund in cases of disease arising out of pre-1948 employment but not entitling the sufferer to workmen's compensation), shall have effect as if in subsection (2) of section three of the Pneumoconiosis and Byssinosis Benefit Act, 1951, after the words "the weekly rate of allowance in respect of disablement shall be forty shillings" there were

PART I

inserted the words “ or, if the disablement is not total, twenty-seven shillings and sixpence ” (instead of the words “ or, if the disablement is not total, twenty shillings ” inserted by subsection (1) of section two of the Industrial Diseases (Benefit) Act, 1954); and any scheme under those Acts which is in force at the coming into force of this subsection shall have effect accordingly.

(4) In relation to the payment of allowances by virtue of paragraph (b) of subsection (2) above—

- (a) the Workmen’s Compensation (Supplementation) Act, 1951, shall have effect subject to the modifications mentioned in the First Schedule to this Act; and
- (b) the references in that paragraph to workmen’s compensation and to the happening of an accident shall be construed in accordance with subsection (5) of section one of that Act as so modified.

Extension of class of accidents treated as arising out of employment.

2. For the purposes of the National Insurance (Industrial Injuries) Acts, 1946 to 1960, an accident happening after the coming into force of this section shall be treated (where it would not be apart from this section) as arising out of a person’s employment if—

- (a) the accident arises in the course of the employment; and
- (b) the accident either is caused by another person’s misconduct, skylarking or negligence, or by steps taken in consequence of any such misconduct, skylarking or negligence, or by the behaviour or presence of an animal (including a bird, fish or insect), or is caused by or consists in the insured person being struck by any object or by lightning; and
- (c) the insured person did not directly or indirectly induce or contribute to the happening of the accident by his conduct outside the employment or by any act not incidental to the employment.

Amendments as to certain increases in injury benefit or disablement pension (or corresponding benefits).

3.—(1) For the purposes of section fourteen of the National Insurance (Industrial Injuries) Act, 1946 (which as amended by and set out in the Schedule to the National Insurance (Industrial Injuries) Act, 1948, provides for increased disablement benefit for persons incapacitated from following their regular occupations or any suitable employment of equivalent standard), a person’s regular occupation shall be treated as extending to and including employment in the capacities to which the persons in that occupation (or a class or description of them to which he belonged at the time of the relevant accident) are in the normal course advanced, and to which, if he had continued to follow that occupation without having suffered the relevant loss of faculty, he would have had at least the normal

prospects of advancement; and so long as he is as a result of the relevant loss of faculty deprived in whole or in part of those prospects, he shall be treated as incapable of following that occupation.

(2) In section thirteen (unemployability supplement) of the National Insurance (Industrial Injuries) Act, 1946, the words "one hundred and four pounds" shall be substituted for the words "fifty-two pounds" in subsection (2) (which enables a person to be treated as incapable and likely to remain permanently incapable of work, if the relevant loss of faculty is likely to prevent his earnings exceeding fifty-two pounds in a year).

(3) A married woman shall not be entitled to any increase of benefit under section seventeen of the National Insurance (Industrial Injuries) Act, 1946 (which provides for increases in respect of children of the beneficiary's family), for any period during which she is residing with her husband and he is not incapable of self-support.

(4) Subsections (2) and (3) above shall have effect for the purpose of the powers conferred by reference to section thirteen or seventeen of the National Insurance (Industrial Injuries) Act, 1946, by section eighty-two of that Act (or by that section as extended by section six of the National Insurance (Industrial Injuries) Act, 1953), or by the Industrial Diseases (Benefit) Acts, 1951 and 1954, and any regulations or scheme made under those powers and in force at the coming into force of subsection (2) or (3) of this section shall have effect accordingly; and in subsection (3) of section one of the Workmen's Compensation and Benefit (Supplementation) Act, 1956 (which makes provision for the purposes of that Act similar to subsection (2) of section thirteen of the National Insurance (Industrial Injuries) Act, 1946), the words "one hundred and four pounds" shall be substituted for the words "fifty-two pounds".

4.—(1) In section twenty-two of the National Insurance (Industrial Injuries) Act, 1946 (which relates to death benefit for the deceased's parents), in relation to deaths occurring after the coming into force of this subsection, the expression "parent" shall include a parent by adoption, and the expression "mother" shall be construed accordingly. Death benefit.

(2) Subsection (3) of section eighty-eight of the National Insurance (Industrial Injuries) Act, 1946 (by virtue of which, for the purpose of any provision of the Act providing that benefit shall not be payable to a woman after her marriage or re-marriage, references to marriage include cohabitation with a man), shall cease to have effect, but the benefits to which that subsection applied, that is to say,—

PART I

- (a) a pension payable under section nineteen to the deceased's widow ; and
- (b) a pension payable under section twenty-two to the deceased's mother (within the meaning of that section) ; and
- (c) a pension payable under section twenty-three to a female relative of the deceased ; and
- (d) an allowance payable under section twenty-four to a woman having the care of a child of the deceased's family ;

shall not be payable (except as provided by subsection (3) below) for any period during which the beneficiary is cohabiting with a man not her husband.

(3) A pension payable under section twenty-two of the National Insurance (Industrial Injuries) Act, 1946, to the deceased's mother (within the meaning of that section) shall—

- (a) be payable notwithstanding her cohabitation with a man not her husband ; and
- (b) not terminate by reason of her marriage with a man ; if she was cohabiting with that man immediately before the deceased's death.

PART II

NATIONAL INSURANCE, OTHER THAN INDUSTRIAL INJURY
INSURANCE

Women's
retirement
pensions.

5.—(1) Subject to the provisions of this section, where a man pays contributions as an employed or self-employed person for a period after his attaining pensionable age and after the coming into force of this section, then in respect of those contributions—

- (a) the weekly rate of any retirement pension payable to his wife or widow by virtue of his insurance shall be increased by sixpence for every twelve contributions, other than those paid for a period before she attains pensionable age ; and
- (b) the weekly rate of any retirement pension payable to his widow by virtue of his insurance or of hers shall be increased by sixpence for every twelve contributions (in addition to the increase, if any, under paragraph (a) above).

(2) Where by virtue of an election under section one of the National Insurance Act, 1957 (which enables a person to be treated as having re-entered regular employment after retiring from it or otherwise becoming entitled to a retirement pension), a woman pays contributions as an employed or self-employed person for a period after her attaining pensionable age and after the coming into force of this section, then in relation to a

retirement pension payable by virtue of her husband's insurance the contributions so paid by her for any period after his death shall be taken into account under subsection (1) above as if they were contributions paid by him as mentioned in that subsection.

(3) Subject to subsection (4) below, this section, in relation to a retirement pension payable to a woman by virtue of her husband's insurance, shall have effect in place of subsection (4) of section twenty of the National Insurance Act, 1946, as applied by subsection (3) of section twenty-one of that Act.

(4) Subsections (1) to (3) above shall not apply in relation to a man and his wife who are both over pensionable age at the coming into force of this section (whether then married or not), except in so far as subsection (1) may operate to increase in respect of his contributions a retirement pension payable to her by virtue of her own insurance; nor shall subsection (2) or (3) apply in relation to a man and his wife, where he is dead at the coming into force of this section.

(5) In relation to a woman who marries (or has before the coming into force of this section married) after attaining pensionable age subsections (1) and (2) above shall have effect subject to any prescribed modifications.

6.—(1) Regulations may provide for the payment of guardian's allowance under section nineteen of the National Insurance Act, 1946, in respect of a child as if both parents of the child were dead, in cases where one parent is dead and the surviving parent is serving (or is to be treated in accordance with the regulations as serving) a sentence of imprisonment of not less than the prescribed length or of imprisonment for life, or is (or is to be so treated as being) in legal custody in any other prescribed circumstances. Extension of
guardian's
allowance.

(2) Regulations under this section may include provision—

- (a) for suspending payment of an allowance awarded by virtue of this section where the conviction, sentence or order in consequence of which it was awarded is subject to appeal, and for any matters arising from the decision of any such appeal; and
- (b) for requiring sums paid by virtue of this section by way of guardian's allowance in respect of a child for a period during which one of the child's parents is alive to be repaid by that parent to the National Insurance Fund.

(3) In a case for which the conditions for payment of guardian's allowance set out in subsection (1) of section nineteen of the National Insurance Act, 1946, are modified by virtue of the proviso to that subsection (which relates to adopted and

PART II

illegitimate children, to children of divorced parents, and to certain other cases) so as to make guardian's allowance payable in respect of a child not on the death of the child's parents but on the death of two persons who are not the child's parents, or of whom one is not the child's parent, this section shall apply as if those persons were the child's parents.

**Miscellaneous
amendments.**

7.—(1) The weekly rates of unemployment benefit and sickness benefit for married women set out in the Third Schedule to the National Insurance Act, 1960 (which include higher rates for certain periods when the woman is not residing with and is unable to obtain any financial assistance from her husband), shall be amended by substituting for the words “is not residing with and is unable to obtain any financial assistance from her husband”, in both places, the words “is not residing with her husband nor is he contributing to her maintenance at not less than the relevant rate”; and for this purpose “the relevant rate” shall mean a weekly rate equal to the difference under that Schedule as so amended between the rates of benefit applying if the husband is, and if he is not, contributing to the wife's maintenance at not less than the relevant rate.

(2) Section five of the National Insurance Act, 1957 (which provides for payment of child's special allowance in respect of certain children to a woman after the termination of her marriage by divorce and the death of the husband of that marriage), shall, as respects the payment of allowances for periods after the coming into force of this subsection, be amended as follows:—

- (a) the children of the woman's family in respect of whom the allowance is payable if at the husband's death they were, or but for the fact of their not then being in Great Britain would have been, children of his family shall include any child who at the husband's death was issue of his and hers within the meaning of the Family Allowances Act, 1945, and accordingly in paragraph (b) of subsection (2) of that section for the words “or such a child of that husband's family as could have been treated under paragraph 3 of the Schedule to the Family Allowances Act, 1945, as a child of her family” there shall be substituted the words “or, being (within the meaning of the Family Allowances Act, 1945) issue of theirs, a child of that husband's family”; and
- (b) in subsection (3) the words from “whichever of the following is the less” to the end of paragraph (a) (which limit the rate of the allowance by reference to the amount contributed by the husband before his death to the cost of providing for the child) shall cease to have effect.

(3) In subsection (1) of section five of the National Insurance Act, 1946 (which as amended by section one of the National Insurance Act, 1955, authorises the making of regulations providing, among other things, for excepting insured persons from liability to pay contributions when their income does not exceed one hundred and fifty-six pounds a year), the words "two hundred and eight pounds" shall be substituted for the words "one hundred and four pounds" in the subsection as originally enacted, instead of the words "one hundred and fifty-six pounds" substituted by the said section one.

PART II

(4) In Parts I and II of the Second Schedule to the National Insurance Act, 1960 (which substitute in the First Schedule to the National Insurance Act, 1946, new contribution rates in respect of employed persons, and provide for the rates payable by employed persons over the age of eighteen and their employers to differ according as the weekly rate of remuneration does or does not exceed sixty shillings), for the words "sixty shillings" wherever occurring there shall be substituted the words "eighty shillings".

PART III

GENERAL

8. The Family Allowances Acts, 1945 to 1959, the National Insurance (Industrial Injuries) Acts, 1946 to 1960, and the National Insurance Acts, 1946 to 1960, shall have effect as if in the Family Allowances Act, 1945 (as amended)—

Meaning of
"child".

(a) in subsection (1) of section two for the paragraph (c) inserted by section one of the Family Allowances and National Insurance Act, 1956 (which provides for a person to remain a child up to the age of sixteen, if incapacitated both for attendance at school and for employment by an illness or disability which has resulted in his or her never attending school or ceasing to do so while still of school age), there were substituted—

“(c) during any period before he or she attains the age of sixteen years whilst he or she is by reason of illness or disability of mind or body incapacitated, and likely to remain for a prolonged period incapacitated, for regular employment”;

(b) in section twenty-three, in the definition of “apprentice” for the words “not in receipt of earnings which provide him, wholly or substantially, with a livelihood” there were substituted the words “not in receipt of earnings exceeding forty shillings a week (the weekly amount of a person’s earnings being for this purpose calculated or estimated

PART III

in such manner and on such basis as may be prescribed) ”.

**Recovery etc.
of benefit and
allowances
wrongly paid.**

9.—(1) Where benefit is (or has before the coming into force of this section been) paid in pursuance of a decision which is reversed or varied on appeal, or is revised on a review, then, except as provided by this subsection, the decision given on the appeal or review shall require repayment to the Fund of any benefit paid in pursuance of the original decision to the extent to which it—

(a) would not have been payable if the decision on the appeal or review had been given in the first instance ;
and

(b) is not directed to be treated as paid on account of the benefit awarded by the decision on appeal or review, or be treated as having been properly paid ;

but a decision given on appeal or review shall not require repayment of benefit paid in pursuance of the original decision in any case where it is shown to the satisfaction of the person or tribunal determining the appeal or review that in the obtaining and receipt of the benefit the beneficiary, and any person acting for him, has throughout used due care and diligence to avoid overpayment.

(2) Subsection (1) above shall apply in relation to sums paid as on account of a family allowance as if a family allowance were benefit and the person to whom it belongs were the beneficiary, but with the substitution of a reference to the Minister for the reference to the Fund.

(3) Without prejudice to the generality of subsection (1) of section forty-seven of the National Insurance Act, 1946 (which, as extended by section one of the Family Allowances and National Insurance Act, 1959, enables provision to be made by regulations for, among other things, matters arising out of the revision on appeal or review of decisions, whether as respects benefit or as respects family allowances), regulations under that subsection may—

(a) modify subsection (1) above in relation to sums paid by way of benefit under the National Insurance Acts, 1946 to 1960, in respect of a child of the family of a man and his wife living together, or on account of a family allowance for such a family, where those sums would have been receivable (if properly paid) by either the man or the wife ;

(b) make any such provision for the recovery of sums paid by way of benefit under the National Insurance Acts, 1946 to 1960, or on account of a family allowance, and required to be repaid by virtue of this section, as is authorised to be made by the regulations in a case where repayment is required by the regulations ;

PART III

and regulations may also provide for unemployment benefit of which repayment is required by virtue of this section to be repaid to or through a local education authority administering unemployment benefit by virtue of section eleven of the Employment and Training Act, 1948.

(4) The provisions of the Second Schedule to this Act shall have effect to enable sums paid by way of benefit or family allowance and afterwards found not to have been payable to be treated as paid on account of any sums properly payable by way of benefit or family allowance to the same person, or be treated as properly paid, and to provide for matters arising out of their being so treated.

(5) In subsection (1) of section fifty-two of the National Insurance (Industrial Injuries) Act, 1946 (which enables regulations to be made as respects matters arising between an application for the determination of a claim or question and the final determination of it, subject to a proviso requiring benefit to be payable in accordance with an award notwithstanding that an appeal is pending and to be treated as duly paid), the proviso shall not apply to benefit awarded for a period before the date of the award; and nothing in that proviso shall be taken to restrict the operation of subsection (1) above or of the Second Schedule to this Act.

(6) For the purposes of this section "benefit", unless the context otherwise requires, includes both benefit under the National Insurance (Industrial Injuries) Acts, 1946 to 1960, and benefit under the National Insurance Acts, 1946 to 1960 (and the reference in subsection (1) above to the Fund shall be taken as referring to the Industrial Injuries Fund or to the National Insurance Fund accordingly), and "family allowance" means an allowance under the Family Allowances Act, 1945.

10.—(1) Subject to subsection (2) below, in section seventy-six of the National Insurance Act, 1946, subsection (1) (which provides that regulations shall not be made under certain provisions of the Act unless a draft has been laid before Parliament and approved by resolution of each House) shall apply to any regulations to be made partly under the powers conferred by the provisions mentioned in that subsection, as well as to regulations to be made wholly under those powers; and accordingly regulations so made shall not be subject to annulment in pursuance of a resolution of either House of Parliament as provided by subsection (3) of that section (as amended by the Statutory Instruments Act, 1946) for regulations to which subsection (1) does not apply.

Making and operation of regulations and orders.

(2) Subsection (1) of section seventy-six of the National Insurance Act, 1946, shall not apply to regulations to be made for the

PART III

purpose only of consolidating regulations thereby revoked, nor to any other regulations which, in so far as they are made under the powers conferred by the provisions mentioned in that subsection, only replace provisions of previous regulations with new provisions to the same effect; and subsection (3) of that section shall have effect in relation to any such regulations accordingly.

(3) Subsections (1) and (2) above shall have effect in relation to subsections (1) and (2) of section eighty-seven of the National Insurance (Industrial Injuries) Act, 1946, as they have effect in relation to subsections (1) and (3) respectively of section seventy-six of the National Insurance Act, 1946.

(4) Nothing in section seventy-seven of the National Insurance Act, 1946 (which provides for proposals to make regulations under the Act to be considered by the National Insurance Advisory Committee), shall apply in relation to any regulations to be made for the purpose only of consolidating regulations thereby revoked; nor shall subsection (2) of section sixty-one of the National Insurance (Industrial Injuries) Act, 1946, require the reference to the Industrial Injuries Advisory Council of any proposals to make regulations under that Act if the regulations are to be made for the purpose only of consolidating regulations thereby revoked.

(5) The Minister after consulting the body charged with the administration of a supplementary scheme (that is to say, a scheme having effect under section twenty-seven of the National Insurance Act, 1946, or under section eighty-three of the National Insurance (Industrial Injuries) Act, 1946), may make an order under this subsection for the purpose of consolidating the provisions of the scheme as for the time being amended, varied or modified; and any such order may revoke previous orders relating to the scheme so far as they are superseded by the consolidation or have otherwise become obsolete or unnecessary.

Any statutory instrument containing an order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) An order of the Minister under section twenty-seven of the National Insurance Act, 1946, or under section eighty-three of the National Insurance (Industrial Injuries) Act, 1946, making any amendments, variations or modifications of a supplementary scheme may replace all or any of the provisions of the scheme (whether or not previously amended, varied or modified) with new provisions consolidating those provisions as they are to have effect with the amendments, variations or modifications to be made by the order; and any such order may revoke previous orders relating to the scheme so far as they are superseded by the consolidation or have otherwise become obsolete or unnecessary.

PART III
Amendments
as to expenses
to be borne by
Industrial
Injuries and
National
Insurance
Funds.

11.—(1) In estimating expenses for the purposes of subsection (2) of section sixty of the National Insurance (Industrial Injuries) Act, 1946, or subsection (2) of section thirty-eight of the National Insurance Act, 1946 (which provide for the repayment to the Treasury out of the Industrial Injuries Fund or the National Insurance Fund of expenses of government departments in carrying the Act into effect, including under paragraph (a) of the subsection an amount in respect of the accruing liability for superannuation allowances etc. under the Superannuation Acts, 1834 to 1943), there shall be included, in respect of any pension benefits which will or may become payable in respect of a person's service as Commissioner or deputy Commissioner under that Act or in respect of a person's employment as officer, inspector or servant for the purposes of the Act, such amount as in the opinion of the Treasury approximately represents the amount of the accruing liability for the sums which will become payable out of moneys provided by Parliament for those pension benefits, after taking into account that person's contributions (if any).

(2) For the purposes of subsection (1) above the accruing liability for pension benefits in respect of a person's service as Commissioner or deputy Commissioner under the National Insurance Act, 1946—

- (a) in so far as it is estimated by the Minister to be attributable to the operation of subsections (1) and (2) of section one of the Family Allowances and National Insurance Act, 1959, in relation to the Family Allowances Act, 1945, shall be left out of account ; and
- (b) in so far as it is estimated by the Minister to be attributable to the operation of subsection (3) of section one of the Family Allowances and National Insurance Act, 1959, in relation to the National Insurance (Industrial Injuries) Act, 1946, shall be taken into account under subsection (2) of section sixty of the last mentioned Act, and not under subsection (2) of section thirty-eight of the National Insurance Act, 1946.

(3) No repayment shall be made to the Treasury under subsection (2) of section sixty of the National Insurance (Industrial Injuries) Act, 1946, or subsection (2) of section thirty-eight of the National Insurance Act, 1946, of sums paid for pension benefits in respect of a person's service as Commissioner or deputy Commissioner, and any such pension benefits shall be paid out of moneys provided by Parliament :

Provided that where the rate of the superannuation allowance payable to a Commissioner or deputy Commissioner under section fifty-four of the National Insurance (Industrial Injuries)

PART III

Act, 1946, or under section forty-five of the National Insurance Act, 1946, is or would be increased by virtue of regulations made under that section in respect of service in some other capacity, any pension benefits paid to or in respect of him as having been Commissioner or deputy Commissioner shall, to such extent as the Treasury may determine, having regard to the relative length of service and rate of remuneration in each capacity, be paid and borne in the manner in which a pension payable to him wholly in respect of service in that other capacity would have been paid and borne.

(4) In the foregoing subsections "pension benefits" includes benefits payable on retirement or death by way of lump sum or gratuity, and benefits payable in respect of a person's service or employment to other persons by way of widow's or orphan's pension or otherwise.

(5) For the purposes of section thirty-eight of the National Insurance Act, 1946, there shall be treated as incurred in carrying that Act into effect any expenses incurred by the Minister or any other government department (except the Postmaster General) in connection with any inquiry undertaken on behalf of the Minister with a view to obtaining statistics relating to the operation of that Act as from time to time amended.

**Expenses of
Minister in
furnishing
addresses for
maintenance
proceedings,
etc.**

12.—(1) The Minister may out of moneys provided by Parliament defray any expenses incurred by him for the purpose of furnishing the address at which a man or woman is recorded in his department as residing, where the address is required for the purpose of taking or carrying on legal proceedings to obtain or enforce an order for the making by the man or woman of payments for the maintenance of the man's wife or former wife, or woman's husband or former husband, or for the maintenance or education of any person as being the son or daughter of the man or his wife or former wife, or of the woman or her husband or former husband.

(2) In this section "son or daughter" includes a son or daughter by adoption and an illegitimate son or daughter.

**General
financial
provisions**

13. There shall be defrayed out of moneys provided by Parliament (in addition to the sums required or authorised to be so defrayed by any other provision of this Act)—

(a) any increase attributable to paragraph (a) of section eight of this Act in the sums payable out of moneys provided by Parliament under the Family Allowances Act, 1945, whether on account of allowances or of the expenses of the Minister ;

(b) subject to the provision made by section sixty of the National Insurance (Industrial Injuries) Act, 1946, for

reimbursement out of the Industrial Injuries Fund, or by section thirty-eight of the National Insurance Act, 1946, for reimbursement out of the National Insurance Fund, any increase attributable to this Act in the expenses of the Minister which are payable out of moneys provided by Parliament by virtue of either of those sections as amended or applied by any subsequent enactment ;

PART III

and any sums paid by the Minister under subsection (2) of section nineteen of the Post Office Act, 1961, in respect of work done by the Postmaster General in the execution of the Acts there mentioned shall for the purposes of those Acts and of this section be treated as expenses of the Minister in carrying those Acts respectively into effect, and (where necessary) be apportioned between those Acts in such manner as may be determined by the Minister in accordance with any directions given by the Treasury.

14.—(1) This Act may be cited as the Family Allowances and National Insurance Act, 1961.

**Citation,
commence-
ment, repeals,
extent, etc.**

(2) This Act, 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 1959, as the Family Allowances Acts, 1945 to 1961 ; and
- (b) together with the National Insurance (Industrial Injuries) Acts, 1946 to 1960, as the National Insurance (Industrial Injuries) Acts, 1946 to 1961 ; and
- (c) together with the National Insurance Acts, 1946 to 1960, as the National Insurance Acts, 1946 to 1961.

(3) The Third Schedule to this Act shall have effect with respect to the commencement of this Act and to the transitional and other matters there dealt with.

(4) Subject to any transitional provision in the Third Schedule to this Act, the enactments mentioned in the Fourth Schedule to this Act are hereby repealed to the extent mentioned in the third column of the Schedule (which includes in Part I certain enactments already obsolete or unnecessary, to the extent mentioned, apart from the provisions of this Act).

(5) Without prejudice to the operation, in relation to any matters arising out of this Act, of any provision relating to Northern Ireland of the Acts referred to in subsection (2) above or of any other Act amended by this Act, this Act shall not extend to Northern Ireland, except as regards any repeal made by Part I of the Fourth Schedule to this Act of an enactment extending to Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Section 1.

PROVISIONS AS TO NEW SUPPLEMENTATION OF WORKMEN'S
COMPENSATION FOR POST-1923 CASES

1. In relation to the payment of allowances by virtue of paragraph (b) of subsection (2) of section one of this Act (in this Schedule referred to as "new allowances") the Workmen's Compensation (Supplementation) Act, 1951, shall have effect subject to the following modifications:—

- (a) a reference to the passing of this Act shall be substituted for any reference to the commencement of that Act;
- (b) a reference to the Workmen's Compensation Acts, 1925 to 1945, shall be substituted in the definition of "workmen's compensation" in paragraph (a) of subsection (5) of section one for the Acts there mentioned;
- (c) a reference to the Workmen's Compensation (Supplementary Allowances) Act, 1940, as amended by the Workmen's Compensation (Temporary Increases) Act, 1943, shall be substituted for any reference to the Workmen's Compensation (War Addition) Acts, 1917 and 1919;
- (d) paragraph 2 of this Schedule shall apply in place of subsections (2) to (4) of section two, and in the case of a person entitled in respect of the same period to more than one new allowance the aggregate weekly rate of the new allowances shall not exceed ten shillings.

2.—(1) The weekly rate of the new allowance payable to any person shall not exceed the difference between two-thirds of the amount representing his weekly loss of earnings due to the relevant injury or disease and the amount of his workmen's compensation disregarding any supplementary allowance for a child, nor where the amount of the workmen's compensation includes the amount of any supplementary allowance for a child, exceed the difference between seven-eighths of the amount representing that loss of earnings and the amount of the workmen's compensation inclusive of the supplementary allowance.

In this sub-paragraph "supplementary allowance" means an allowance under the Workmen's Compensation (Supplementary Allowances) Act, 1940, as amended by the Workmen's Compensation (Temporary Increases) Act, 1943.

(2) For the purposes of this paragraph the amount representing a person's weekly loss of earnings due to the relevant injury or disease is the difference between the following amounts, that is to say,—

- (a) the amount of his average weekly earnings before the happening of the accident; and
- (b) the average weekly amount which he is earning or is able to earn in some suitable employment or business;

and the amounts referred to in paragraphs (a) and (b) above shall be calculated in like manner as for the purpose of ascertaining the weekly payments to which for the time being he is, or would but for the determination of his right be, entitled by way of workmen's compensation in respect of the relevant injury or disease, and any decision as to those amounts made for that purpose may be adopted for the purpose of this paragraph unless there is reason to reconsider it.

1ST SCH.

(3) Subject to any modifications under paragraph 1 of this Schedule, subsections (5) and (6) and, so far as it relates to subsection (5), subsection (7) of section two of the Workmen's Compensation (Supplementation) Act, 1951 (which contain provisions for determining the amount of a person's workmen's compensation for the purposes of that section), shall apply in relation to sub-paragraph (1) above as they are expressed to apply in relation to that section, and subsection (7) (which confers power to adapt subsections (3) and (5) in relation to contracting out schemes) shall apply in relation to sub-paragraph (2) above as it is expressed to apply in relation to those subsections.

SECOND SCHEDULE

Section 9.

SET-OFF OF OVERPAYMENTS ON ACCOUNT OF BENEFIT OR FAMILY ALLOWANCES

1.—(1) Where a person has received on account of benefit sums to which, by virtue of any provision of the National Insurance (Industrial Injuries) Acts, 1946 to 1960, or of the National Insurance Acts, 1946 to 1960, or of regulations under those Acts, he was disentitled by reason of his being entitled to other benefit subsequently awarded, then, except in so far as regulations otherwise provide, the decision awarding the other benefit shall direct that those sums shall be treated as having been paid on account of the benefit thereby awarded.

(2) Where on review or appeal a decision awarding a person benefit is revised, or is reversed or varied, but he retains any sums paid in pursuance of the original decision which would not have been payable if the decision on the review or appeal had been given in the first instance, then, except in so far as regulations otherwise provide, any decision awarding him other benefit to which a right to any of those sums would by virtue of any such provision as aforesaid have disentitled him shall direct that that sum, up to the amount of the other benefit to which he would by his right to that sum have been so disentitled, shall be treated as having been paid on account of the other benefit.

(3) As regards benefit under the National Insurance (Industrial Injuries) Acts, 1946 to 1960, provision may be made by regulations under the National Insurance (Industrial Injuries) Act, 1946, for treating benefit paid to any person in pursuance of a decision which is afterwards revised on a review, or reversed or varied on an appeal, as paid on account of any benefit which it is decided is or was payable to him under those Acts in respect of the same accident or disease and, unless either benefit is a gratuity, in respect of the same period.

On the first coming into force of regulations made for the purposes of this sub-paragraph subsections (2) and (5) of section fifty-two of the National Insurance (Industrial Injuries) Act, 1946, shall cease to have effect.

2ND SCEL.

(4) Where a sum paid on account of any benefit is by virtue of this paragraph or any other enactment to be treated as having been paid on account of other benefit, it shall be so treated for all purposes, including the subsequent operation in relation to it of this paragraph or any other enactment relating to benefit overpaid.

(5) In this paragraph—

- (a) any reference to benefit includes a family allowance ; and
- (b) any reference to a decision awarding benefit includes a decision making benefit payable at a higher rate.

(6) For the purposes of this paragraph a person shall be treated as retaining any sum received by him and not repaid, except that he shall not be treated as retaining a sum if under any other enactment a direction has been given for it to be repaid ; and in the case of sums paid by way of benefit under the National Insurance Acts, 1946 to 1960, in respect of a child of the family of a man and his wife living together, or on account of a family allowance for such a family, the man shall be treated as having received any sum which (if properly paid) would have been receivable by him, and the wife any sum which (if properly paid) would have been receivable by her.

(7) This paragraph shall apply to sums paid before it comes into force in so far as that enables or requires them to be treated as paid on account of benefit awarded after it comes into force.

2. Regulations may provide for treating benefit paid to one person in respect of another as being a child of the family, or the wife or husband, or an adult dependant, of the first-mentioned person as having been properly paid for any period, notwithstanding that under regulations relating to overlapping benefits it is not payable for that period by reason of a subsequent decision either—

- (a) that the said other person is himself entitled to benefit for that period ; or
- (b) that a third person is entitled to benefit for that period in respect of the said other person in priority to the first-mentioned person ;

and for reducing or withholding accordingly any arrears payable for that period by virtue of the subsequent decision.

3.—(1) Where under this Schedule the payments to be made out of the Industrial Injuries Fund on account of any benefit are reduced by reference to sums borne by the National Insurance Fund or by moneys provided by Parliament, an amount equal to the reduction shall be made good out of the Industrial Injuries Fund to the National Insurance Fund or the Treasury, as the case may be.

(2) Where under this Schedule the payments to be made out of the National Insurance Fund on account of any benefit are reduced by reference to sums borne by the Industrial Injuries Fund or by moneys provided by Parliament, an amount equal to the reduction shall be made good out of the National Insurance Fund to the Industrial Injuries Fund or the Treasury, as the case may be.

(3) Where under this Schedule the payments to be made out of moneys provided by Parliament on account of family allowances

are reduced by reference to sums borne by the Industrial Injuries Fund or the National Insurance Fund, an amount equal to the reduction shall be made good to that Fund out of moneys provided by Parliament.

2ND SCH.

THIRD SCHEDULE

Section 14.

COMMENCEMENT, TRANSITIONAL PROVISIONS, ETC.

General provision for appointed days

1.—(1) The following provisions of this Act, that is to say:—

section one ; subsection (3) and, so far as it relates to subsection (3), subsection (4) of section three ; subsections (2) and (3) of section four ; section five ; subsections (1), (3) and (4) of section seven ; paragraph (b) of section eight ; section nine ;

shall not come into force until such date as the Minister may by order appoint, and different dates may be appointed for different provisions.

(2) Any statutory instrument containing an order under this paragraph shall be laid before Parliament after being made.

Transitional provision for s. 1

2.—(1) Where an allowance under the Workmen's Compensation and Benefit (Supplementation) Act, 1956, or under the Industrial Diseases (Benefit) Acts, 1951 and 1954, is or has been awarded before the increase date, the allowance shall, without any claim being made, become payable (except as respects any period falling before the increase date) at the higher weekly rate provided for by section one of this Act, and the award shall have effect accordingly:

Provided that this sub-paragraph shall have effect subject to such exceptions or conditions as may be prescribed by regulations or, in the case of an allowance under the Industrial Diseases (Benefit) Acts, 1951 and 1954, by any scheme made under those Acts after the passing of this Act.

(2) Where any such award is made before the increase date, but after that date has been appointed, the award may provide for the allowance to be paid as from that date at the higher weekly rate.

(3) In this paragraph "the increase date" means the date appointed for the higher weekly rate to become effective under subsection (1) or (3), as the case may be, of section one of this Act.

Transitional provision for s. 3

3. For the purpose of any claim for an increase of a disablement pension under section fourteen of the National Insurance (Industrial Injuries) Act, 1946, for a period after the coming into force of subsection (1) of section three of this Act, the question whether the claimant as the result of the relevant loss of faculty has at all times since the end of the injury benefit period been incapable

3RD SCH.

of following his regular occupation or any employment of an equivalent standard which is suitable in his case shall be determined as if that subsection had always had effect.

4. Subsection (3) and, so far as it relates to subsection (3), subsection (4) of section three of this Act shall have effect subject to such exceptions as may be prescribed by regulations for cases in which a woman is or has been awarded before the coming into force of the said subsection (3) an increase of benefit under section seventeen of the National Insurance (Industrial Injuries) Act, 1946, or a corresponding payment under any such regulations or scheme as mentioned in the said subsection (4).

Transitional provision for s. 4 (2) and (3)

5.—(1) Subject to the provisions of this paragraph, a woman's cohabitation with a man at any time after the deceased's death and before the coming into force of subsection (2) of section four of this Act shall be disregarded in determining her right for any period after that coming into force to any such pension or allowance as is there mentioned or her right on her re-marriage after that coming into force to a gratuity under section nineteen of the National Insurance (Industrial Injuries) Act, 1946; but a right to benefit arising by virtue of this sub-paragraph shall not, under the Fourth Schedule to that Act, affect the right of any other person to benefit awarded before that coming into force.

(2) Regulations may limit the periods for which a pension or allowance is payable by virtue of sub-paragraph (1) above to periods after the date it is awarded or any earlier date.

Transitional provision for s. 7 (2)

6. Where immediately before the coming into force of subsection (2) of section seven of this Act a child's special allowance is payable at the weekly rate provided for by paragraph (a) of subsection (3) of section five of the National Insurance Act, 1957, the allowance shall, without any claim being made, become payable (except as respects any period before that coming into force) at the weekly rate provided for by paragraph (b) of the said subsection (3).

Transitional provision for s. 8

7.—(1) Where immediately before the coming into force of paragraph (a) of section eight of this Act a person is entitled in respect of a dependant, not being that person's spouse or a child, to an increase in the weekly rate of a benefit—

- (a) under section eighteen of the National Insurance (Industrial Injuries) Act, 1946 (which relates to injury benefit and disablement pension); or
- (b) under subsection (2) of section twenty-four of the National Insurance Act, 1946 (which relates to unemployment benefit and sickness benefit), or under subsection (2A) of that section (which was inserted by section three of the National Insurance Act, 1957, and relates to retirement pensions); or

(c) under section eight of the National Insurance Act, 1953 (which relates to maternity allowances); 3RD SCH.

and that dependant becomes a child by virtue of that paragraph on its coming into force, then, during any period during which, had that paragraph not been passed, that person would have continued without a break to be entitled to that or another such benefit at a weekly rate increased by the like amount in respect of that dependant, he may be treated as being so entitled; and for any period during which he is so treated, the dependant shall be treated as not being a child for any purpose of the National Insurance (Industrial Injuries) Acts, 1946 to 1960, or the National Insurance Acts, 1946 to 1960, except as mentioned in sub-paragraphs (2), (3) and (4) below.

(2) Where apart from sub-paragraph (1) above the dependant would be treated as the elder or eldest child of a person's family, that sub-paragraph shall not prevent his being so treated for the purpose of determining what benefit, if any, is payable to that person in respect of other children of the family.

(3) Where apart from sub-paragraph (1) above a widow would become entitled to a widowed mother's allowance by reason of the dependant's having become a child as mentioned in that sub-paragraph, that sub-paragraph shall not prevent his being treated as a child for the purpose of that allowance :

Provided that for the purpose of determining the rate of the allowance it shall not by reason of this sub-paragraph be treated as payable by virtue of her having a family.

(4) Where apart from sub-paragraph (1) above a widow would be entitled in respect of the dependant as being a child of her family to an allowance under section twenty-one of the National Insurance (Industrial Injuries) Act, 1946, that sub-paragraph shall not prevent her being treated as so entitled for the purpose of determining the rate of any widow's pension payable to her under section nineteen of that Act.

8. Where immediately before the coming into force of paragraph (b) of section eight of this Act a person is entitled under the National Insurance (Industrial Injuries) Acts, 1946 to 1960, or under the National Insurance Acts, 1946 to 1960, to any benefit, his right to it or the rate of it depending on another person being a child, and the other person ceases to be a child by virtue of that paragraph on its coming into force, regulations may provide for that other person to continue, notwithstanding that paragraph, to be treated as a child for any purpose of those Acts.

Transitional provision for s. 9

9. Where—

(a) before the coming into force of subsection (1) of section nine of this Act—

(i) any sums have been paid by way of benefit or on account of a family allowance; and

3RD SCH.

(ii) the decision in pursuance of which they were paid has been reversed or varied on appeal, or revised on a review, in such a way that those sums or any part of them would not have been payable if the decision on appeal or review had been given in the first instance ; and

(b) after the coming into force of that subsection the decision given on that appeal or review is reversed or varied on appeal, or is revised on a review ;

any question arising on the later appeal or review as to the repayment of those sums or that part of them shall be determined in accordance with the provisions as to repayment in force immediately before the coming into force of that subsection.

10. Regulations made for the purposes of sub-paragraph (3) of paragraph 1 of the Second Schedule to this Act may, as respects cases where a decision given before the first coming into force of regulations so made is after their coming into force reversed or varied on appeal, or revised on a review, provide for questions arising on the appeal or review to be determined in accordance with the provisions as to benefit overpaid in force immediately before the first coming into force of regulations so made.

11. Any regulations which, immediately before the coming into force of subsection (4) of section nine of this Act, are in force under section forty-seven of the National Insurance Act, 1946, shall thereafter, in so far as the like regulations might be made under paragraph 2 of the Second Schedule to this Act, have effect as if made under that paragraph.

General transitional provision as to regulations

12. Subsection (2) of section sixty-one of the National Insurance (Industrial Injuries) Act, 1946 (which requires any proposal to make regulations to be referred to the Industrial Injuries Advisory Council for consideration and advice), and section seventy-seven of the National Insurance Act, 1946 (which requires a preliminary draft of regulations to be submitted to the National Insurance Advisory Committee before the regulations are made or, in certain cases, before a draft is laid before Parliament), shall not apply to any regulations made, or to any draft of regulations laid before Parliament, before the expiration of the period of six months beginning with the date of the passing of this Act if the instrument containing the regulations or, as the case may be, the draft of that instrument states that the regulations are made in consequence of this Act.

Application and adaptation of existing Acts

13.—(1) Subject to paragraph 15 below, this Act—

(a) in so far as it relates to the subject matter of the National Insurance (Industrial Injuries) Act, 1946, shall be construed as one with that Act ; and

(b) in so far as it relates to the subject matter of the National Insurance Act, 1946, shall be construed as one with that Act.

(2) Section thirty-three of the National Insurance (Industrial Injuries) Act, 1946 (which enables regulations to provide for treating

a person subject to certain disqualifications for receiving benefit as entitled to it for purposes other than the right to payment of that benefit), shall have effect in relation to subsection (2) of section four of this Act as it has effect in relation to the enactments mentioned in the said section thirty-three.

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(3) In the National Health Service Contributions Acts, 1957 and 1961, the expression "the National Insurance Acts" shall be construed as including this Act so far as it amends enactments included in that expression.

14.—(1) Where any enactment is directed to be construed as one with the National Insurance Act, 1946, then (without prejudice to the generality of that direction) the following provisions shall apply, except in so far as the contrary intention appears, that is to say,—

(a) any regulations or orders made under or for the purposes of that enactment as so construed shall be treated as made under the National Insurance Act, 1946, for the purposes of any provision of that Act relating to regulations or orders so made, and for the purposes of the Statutory Instruments Act, 1946; and

(b) the enactment so construed shall be subject to the powers conferred by the National Insurance Act, 1946, or any enactment construed as one with it to prescribe modifications of, or exceptions or additions to, the provisions of that Act, and—

(i) the enactment shall be deemed to be included among the provisions of that Act referred to in subsection (2) of section sixty-five and among those referred to in subsection (2) of section seventy-one; and

(ii) the powers conferred by subsection (2) of section sixty-five shall include power to prescribe such modifications, additions and exceptions as appear to the Minister to be necessary or expedient in consequence of the passing of the enactment; and

(c) the powers conferred by subsection (4) of section sixty-nine of the National Insurance Act, 1946, 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 to make provision in connection with the passing of the enactment so construed.

(2) Sub-paragraph (1) above shall apply in relation to an enactment directed to be construed as one with the National Insurance (Industrial Injuries) Act, 1946, with the substitution of references to that Act for the references to the National Insurance Act, 1946, and with the omission of sub-paragraphs (i) and (ii) of paragraph (b) and paragraph (c).

(3) This paragraph shall apply for the interpretation of enactments passed after, as well as enactments passed before, this Act; and regulations in force at the passing of this Act under any previous enactment corresponding to any provision of this paragraph shall, notwithstanding the repeal of that enactment by this Act, have effect as if made by virtue of this paragraph.

3RD SCH.

15.—(1) Regulations for the purposes of the Second Schedule to this Act (not being regulations described in that Schedule as regulations under the National Insurance (Industrial Injuries) Act, 1946), and regulations for the purposes of paragraphs, 2, 4, 5 and 8 of this Schedule, shall be regulations made by the Minister by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and, in relation to any such regulations, subsections (1) and (2) of section seventy-five of the National Insurance Act, 1946 (which make general provision as to the content of regulations under that Act), shall apply as they apply in relation to regulations under that Act; but, subject to that and to sub-paragraph (2) below, in relation to any such regulations the provisions of the National Insurance (Industrial Injuries) Act, 1946, or of the National Insurance Act, 1946, relating to regulations under that Act shall not apply, notwithstanding anything in paragraph 13 or 14 above.

(2) In relation to regulations made for the purposes of paragraph 2 of the Second Schedule to this Act—

- (a) if the regulations relate to benefit under the National Insurance (Industrial Injuries) Acts, 1946 to 1960, subsection (2) of section sixty-one of the National Insurance (Industrial Injuries) Act, 1946 (which requires any proposal to make regulations to be referred to the Industrial Injuries Advisory Council for consideration and advice), shall have effect as if the regulations were made under that Act; and
- (b) if the regulations relate to benefit under the National Insurance Acts, 1946 to 1960, section seventy-seven of the National Insurance Act, 1946 (which requires a preliminary draft of regulations to be submitted to the National Insurance Advisory Committee before the regulations are made), shall have effect as if the regulations were made under that Act, but with the substitution in subsection (5) for the reference to the regulations being laid before Parliament in pursuance of section seventy-six of that Act of a reference to their being laid before Parliament in pursuance of this paragraph.

Section 14.

FOURTH SCHEDULE

REPEALS

PART I

REPEALS OF SPENT OR OBSOLETE ENACTMENTS

| Session and Chapter | Short Title | Enactments repealed |
|-------------------------|--|---------------------|
| 3 & 4 Geo. 6. c. 56. | The Workmen's Compensation and Benefit (Byssinosis) Act, 1940. | Section two. |
| 6 & 7 Geo. 6. c. 6. | The Workmen's Compensation Act, 1943. | Section two. |

| Session and Chapter | Short Title | Enactments repealed |
|--------------------------|---|--|
| 8 & 9 Geo. 6. c. 41. | The Family Allowances Act, 1945. | <p>In section two, in subsection (2), paragraph (a) from "or" onwards.</p> <p>Sections fourteen and fifteen.</p> <p>In section seventeen, in subsection (2), the words from "other than" to "of this Act", and the words from "in reckoning" onwards, and subsection (3).</p> <p>In section twenty-eight, subsection (2).</p> |
| 9 & 10 Geo. 6. c. 62. | The National Insurance (Industrial Injuries) Act, 1946. | <p>In section six, paragraph (b) and the words from "or" to "may be".</p> <p>In section fifty-nine, in subsection (1), in paragraph (a) the words from "during", where first occurring, to "thereafter".</p> <p>In section eighty-eight, in subsection (1), the definition of "hospital or similar institution".</p> <p>In section eighty-nine, in subsection (3), paragraphs (b) and (d).</p> <p>In section ninety, in paragraph (a) the words "for any reference to a workhouse there shall be substituted a reference to a poorhouse".</p> |
| 9 & 10 Geo. 6. c. 67. | The National Insurance Act, 1946. | <p>In section six, in subsection (4) paragraph (b).</p> <p>In section thirty-six, in subsection (1), the words from "to which" to "Fund and".</p> <p>In section thirty-nine, in subsection (1), in paragraph (a) the words from "during", where first occurring, to "thereafter".</p> <p>Section sixty-two.</p> <p>In section sixty-eight, subsection (4).</p> <p>In section sixty-nine, in subsection (1), paragraphs (c), (e) and (g).</p> <p>In section seventy, subsections (4) and (5).</p> <p>In section seventy-two, in subsection (1), paragraphs (a) and (c).</p> <p>Section seventy-three.</p> |

4TH SCH.

| Session and Chapter | Short Title | Enactments repealed |
|---|---|--|
| 9 & 10 Geo. 6. c. 67— <i>cont.</i> | The National Insurance Act, 1946— <i>cont.</i> | In section seventy-four, subsection (4). In section seventy-six, in subsection (1), the words "section sixty-two". In section seventy-nine, paragraph (d) from "and" onwards. In the Eleventh Schedule, the entries relating to the Workmen's Compensation and Benefit (Byssinosis) Act, 1940, and the Workmen's Compensation Act, 1943. |
| 9 & 10 Geo. 6. c. 76. | The Unemployment Insurance (Eire Volunteers) Act, 1946. | The whole Act. |
| 11 & 12 Geo. 6. c. 42. | The National Insurance (Industrial Injuries) Act, 1948. | In section one, in subsection (1), the words from "be" to "accordingly", and subsection (2). |
| 11 & 12 Geo. 6. c. 46. | The Employment and Training Act, 1948. | In section twenty-one, subsections (3) and (5). |
| 14 & 15 Geo. 6. c. 34. | The National Insurance Act, 1951. | In section one, in subsection (1), the words "set out in the first column of Part V of the said First Schedule", the word "such" where next occurring, the words "hereafter in this Act" and the words from "respectively" to "that description" and subsection (3). In section two, in subsection (3), the words "commencing on or after the appointed day". In section three, in subsections (2), (4), (5) and (6) the words "as from the appointed day". Section seven. In section eight, subsection (1), paragraph (d) of subsection (2), and subsections (3), (4) and (5). In section nine, subsections (2) and (3). |
| 15 & 16 Geo. 6. & 1 Eliz. 2. c. 4. | The Pneumoconiosis and Byssinosis Benefit Act, 1951. | Section five. |
| 15 & 16 Geo. 6. & 1 Eliz. 2. c. 29. | The Family Allowances and National Insurance Act, 1952. | In sections one and six the words "as from the appointed day". Sections eight, nine and eleven, so far as unrepealed. |

| Session and Chapter | Short Title | Enactments repealed |
|--------------------------|---|--|
| 1 & 2 Eliz. 2. c. 29. | The National Insurance Act, 1953. | Sections one and two. In section three, the words "in accordance with the two preceding sections" and the words "as from the appointed day". In section four, subsection (1). In section five, the words "in accordance with the last preceding section" and the words "as from the appointed day". Section six, except subsection (4), and subsection (4) from "and any" onwards. Section seven. In section nine, the words "in accordance with the three last preceding sections" and the words "as from the appointed day". In section ten, in subsection (1), the words from "if" to "appointed day". Sections eleven and twelve. Subsection (1) of section thirteen. In the First Schedule, paragraph 15. The Second Schedule. |
| 1 & 2 Eliz. 2. c. 43. | The National Insurance (Industrial Injuries) Act, 1953. | In the Second Schedule, in paragraph 2, sub-paragraph (2) from the beginning to the word "but" and sub-paragraphs (3), (4) and (5); in paragraph 3, sub-paragraph (1) from "but" onwards; paragraph 4; in paragraph 7, in sub-paragraph (2) the words "and (5)". |
| 4 & 5 Eliz. 2. c. 50. | The Family Allowances and National Insurance Act, 1956. | In section two, subsection (1) from "being" onwards. Section six from the word "and", where it first occurs in subsection (1), onwards. In the Schedule, paragraphs 15 to 17. |
| 5 & 6 Eliz. 2. c. 26. | The National Insurance Act, 1957. | In section ten, subsection (3). |
| 6 & 7 Eliz. 2. c. 1. | The National Insurance (No. 2) Act, 1957. | In section two, in subsection (2) the words "as from the appointed day." In section three, subsection (1), and in subsection (2) the words "as from the appointed day", and the words from "that is to say" onwards. |

4TH SCH.

| Session and Chapter | Short Title | Enactments repealed |
|---------------------------------------|---|---|
| 6 & 7 Eliz. 2. c. 1.— <i>cont.</i> | The National Insurance (No. 2), Act, 1957— <i>cont.</i> | In section four, in subsection (1), the words " the Industrial Injuries Act ", the words " and the National Insurance Act, 1953 ", and the words " as from the appointed day ". Section five. In section seven, subsection (2). In section eight, in subsection (3) the words " save as otherwise expressly provided and ", and subsection (4). The Sixth Schedule. Section ten. |
| 6 & 7 Eliz. 2. c. 56. | The Finance Act, 1958 | |
| 9 & 10 Eliz. 2. c. 5. | The National Insurance Act, 1960. | In section four, subsection (3). |

PART II

CONSEQUENTIAL REPEALS

| Session and Chapter | Short Title | Extent of Repeal |
|---------------------------|---|---|
| 9 & 10 Geo. 6. c. 62. | The National Insurance (Industrial Injuries) Act, 1946. | In section fifty-two, subsections (2), (4), (5) and (7). In section fifty-four, subsection (4). In section sixty, in subsection (2), paragraph (a). In section eighty-eight, subsection (3). |
| 9 & 10 Geo. 6. c. 67. | The National Insurance Act, 1946. | In section thirty-eight, in subsection (2), paragraph (a). In section forty-five, subsection (4). In section forty-seven, in subsection (2), paragraph (d), and subsection (3). |
| 14 & 15 Geo. 6. c. 11. | The Administration of Justice (Pensions) Act, 1950. | In the Third Schedule, paragraph 3. |
| 14 & 15 Geo. 6. c. 34. | The National Insurance Act, 1951. | In section eight, subsection (2), so far as not otherwise repealed. |
| 1 & 2 Eliz. 2. c. 29. | The National Insurance Act, 1953. | In section thirteen, subsections (2) to (4). |
| 1 & 2 Eliz. 2. c. 43. | The National Insurance (Industrial Injuries) Act, 1953. | In the Second Schedule, in paragraph 7, sub-paragraph (1). |

| Session and Chapter | Short Title | Extent of Repeal |
|--------------------------|---|---|
| 2 & 3 Eliz. 2. c. 16. | The Industrial Diseases (Benefit) Act, 1954. | In section two, subsection (1) from "and" onwards. |
| 3 & 4 Eliz. 2. c. 29. | The National Insurance Act, 1955. | In section one, subsection (1). Section three from "and the expression" onwards. |
| 4 & 5 Eliz. 2. c. 50. | The Family Allowances and National Insurance Act, 1956. | In section nine, subsection (2) from "and without prejudice" onwards. |
| 5 & 6 Eliz. 2. c. 26. | The National Insurance Act, 1957. | In section five, in subsection (3), the words from "whichever" to the end of paragraph (a). In section seven, in subsection (1) the words from "by subsection (2)" to "1956" in subsection (3) of section twenty-two (as there set out) of the National Insurance Act, 1946. In section nine, subsection (2) from "and for the purposes" onwards. In section ten, subsection (2) from "and without prejudice" onwards. |
| 6 & 7 Eliz. 2. c. 1. | The National Insurance (No. 2) Act, 1957. | In section seven, subsection (1). In section eight, subsection (2) from "and without prejudice" onwards. |
| 7 & 8 Eliz. 2. c. 18. | The Family Allowances and National Insurance Act, 1959. | In section four, in subsection (1), the word "or" at the end of paragraph (a) and paragraph (b); in subsection (2) the words "or out of the Consolidated Fund"; in subsection (3) the words "or out of the Consolidated Fund", the word "or" at the end of paragraph (a) and paragraph (b). |
| 7 & 8 Eliz. 2. c. 47. | The National Insurance Act, 1959. | In section fourteen, subsections (2) and (3). In section sixteen, subsections (2) and (3). |
| 9 & 10 Eliz. 2. c. 5. | The National Insurance Act, 1960. | In section four, subsection (1) from "and for the purposes" onwards, and subsection (2). In the Third Schedule, in paragraph 8, the words "if not in excess of weekly rate of contributions previously made by deceased husband". |

Table of Statutes referred to in this Act

| Short Title | Session and Chapter |
|---|------------------------------------|
| Workmen's Compensation (War Addition) Act, 1917. | 7 & 8 Geo. 5. c. 42. |
| Workmen's Compensation (War Addition) Amendment Act, 1919. | 9 & 10 Geo. 5. c. 83. |
| Workmen's Compensation (Supplementary Allowances) Act, 1940. | 3 & 4 Geo. 6. c. 47. |
| Workmen's Compensation (Temporary Increases) Act, 1943. | 6 & 7 Geo. 6. c. 49. |
| Family Allowances Act, 1945 | 8 & 9 Geo. 6. c. 41. |
| 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. |
| National Insurance (Industrial Injuries) Act, 1948. | 11 & 12 Geo. 6. c. 42. |
| Employment and Training Act, 1948 ... | 11 & 12 Geo. 6. c. 46. |
| Workmen's Compensation (Supplementation) Act, 1951. | 14 & 15 Geo. 6. c. 22. |
| Pneumoconiosis and Byssinosis Benefit Act, 1951. | 15 & 16 Geo. 6. & 1 Eliz. 2. c. 4. |
| National Insurance (Industrial Injuries) Act, 1953. | 1 & 2 Eliz. 2. c. 43. |
| Industrial Diseases (Benefit) Act, 1954 ... | 2 & 3 Eliz. 2. c. 16. |
| National Insurance Act, 1955 | 3 & 4 Eliz. 2. c. 29. |
| Family Allowances and National Insurance Act, 1956. | 4 & 5 Eliz. 2. c. 50. |
| Workmen's Compensation and Benefit (Supplementation) Act, 1956. | 4 & 5 Eliz. 2. c. 51. |
| National Insurance Act, 1957 | 5 & 6 Eliz. 2. c. 26. |
| National Health Service Contributions Act, 1957. | 5 & 6 Eliz. 2. c. 34. |
| Family Allowances and National Insurance Act, 1959. | 7 & 8 Eliz. 2. c. 18. |
| National Insurance Act, 1960 | 9 & 10 Eliz. 2. c. 5. |
| National Health Service Contributions Act, 1961. | 9 & 10 Eliz. 2. c. 13. |
| Post Office Act, 1961 | 9 & 10 Eliz. 2. c. 15. |

TABLE III
Chronological List of
the Church Assembly Measures, 1961

**MEASURES PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH OF ENGLAND
WHICH RECEIVED THE ROYAL ASSENT DURING THE YEAR 1961**

9 & 10 ELIZ. 2

- No. 1. Farnham Castle Measure, 1961.**
- No. 2. Baptismal Registers Measure, 1961.**
- No. 3. Clergy Pensions Measure, 1961.**

9 & 10 Eliz. 2

No. 1

A MEASURE passed by the National Assembly of the Church of England.

To vest part of Farnham Castle in the Church Commissioners and to make provision for their powers in relation to the whole of Farnham Castle.

[2nd March 1961.]

Vesting of
Farnham
Castle.

1.—(1) Upon the passing of this Measure all those parts of Farnham Castle and all easements and other rights enjoyed with those parts, which were immediately before the passing of this Measure vested in the Diocesan Board of Finance of the diocese of Guildford, shall be transferred to, and shall by virtue of this section and without any conveyance, transfer or other assurance vest in, the Church Commissioners (in this Measure called “the Commissioners”):

Provided that the transfer and vesting made by this section shall not extinguish any easements or other rights existing at the passing of this Measure and enjoyed with Farnham Castle or to which Farnham Castle is subject.

(2) From the passing of this Measure the Commissioners shall hold the whole of Farnham Castle freed and discharged from all previously existing trusts, but subject to the succeeding section.

6 & 7 Geo. 6.
No. 2.

(3) The Episcopal Endowments and Stipends Measure, 1943, shall cease to apply to any part of Farnham Castle.

Powers of
Com-
missioners.

2. The Commissioners may—

- (i) permit the whole or part of Farnham Castle to be used for purposes connected with the Church of England;
- (ii) let the whole or part of Farnham Castle for any approved term or terms to approved persons or corporations for approved purposes;
- (iii) grant and release all such easements or other rights over or in relation to Farnham Castle as proper estate management may from time to time require:

Provided that the Commissioners shall have no power to sell or otherwise dispose of the whole or part of their estate in Farnham Castle, except in exercise of the express powers granted by paragraphs (ii) and (iii) of this section.

Interpretation.

3. In this Measure the following expressions have the meanings hereby assigned to them:—

“approved” means approved in writing by the Archbishop of Canterbury and the Bishop of Guildford;

“ Farnham Castle ” means Farnham Castle, in the County of Surrey, being the former Episcopal House of Residence of the See of Winchester with those gardens and grounds thereto belonging which were immediately before the passing of this Measure vested either in the Commissioners or in the Diocesan Board of Finance of the diocese of Guildford.

4. Section fourteen of the Diocese of Winchester (Division) Measure, 1923, and the whole of the Farnham Castle Measure, 1935, are hereby repealed.

Repeals.
14 & 15 Geo. 5.
No. 6.
25 & 26 Geo. 5.
No. 2.

5. This Measure may be cited as the Farnham Castle Measure, 1961. Short title.

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9 & 10 ELIZ. 2  
No. 2

A MEASURE passed by the National Assembly of the Church of England

To provide for the annotation of parochial registers of baptisms in cases of persons legitimated after baptism, and for the issue of short certificates of baptism in certain cases, and for purposes connected with the matters aforesaid. [3rd August, 1961]

1.—(1) A custodian of registers of baptisms maintained under section three of the Parochial Registers Act, 1812, shall, without any fee, make the prescribed annotation in any such register in his custody against any entry shewing the baptism of a person who has been legitimated since he was baptised, if the following conditions are satisfied:—

Annotation  
of entries.  
52 Geo. 3.  
c. 146.

- (a) there is produced to the custodian by an interested person a certified copy of an entry in a register, which is maintained under the Births and Deaths Registration Act, 1953, or which is in the custody of the Registrar General, being an entry in which the birth of the baptised person is re-registered as that of a legitimated person; and
- (b) the interested person identifies to the custodian, in the registers of baptism in his custody, the entry shewing baptism which is alleged to require annotation; and
- (c) the custodian is satisfied that the said certified copy relates to the birth of the person whose baptism is recorded in the entry so identified to him:

1 & 2 Eliz. 2.  
c. 20.

Provided that nothing in this section shall require any custodian to allow any search to be made in any register of baptisms without payment of such fees as may be lawfully demanded by him.

(2) In this section “prescribed annotation” means the form of words set forth in Part I of the Schedule to this Measure or a form of words substantially to the like effect.

(3) Any certificate of the baptism of any person (other than a short certificate of baptism given under the succeeding section) given in respect of an entry in a register of baptisms which has been annotated in accordance with the provisions of this section shall set out the annotation which appears on the register in full.

Short  
certificates  
of baptism.

2.—(1) A custodian of registers of baptisms shall, in any case in which before the passing of this Measure he would have given a certificate of the baptism of any person compiled from the registers in his custody, give, at the request of the person paying the fee for the certificate, a short certificate of baptism in the form set out in Part II of the Schedule to this Measure, or in a form substantially to the like effect, and shall complete the certificate with the particulars set forth in the said Part of the Schedule.

(2) A short certificate of baptism given under this section shall be valid for all purposes for which a certificate of the baptism of any person compiled from a register of baptisms would have been valid before the passing of this Measure and, without derogation from the generality of the foregoing, all such short certificates which purport to be signed by the custodian of the register of baptisms from which the certificate is compiled shall be received as evidence of the baptism to which the certificate relates, without any further or other proof of such entry.

(3) The fee payable to the custodian giving a short certificate of baptism under this section shall be such sum as may be fixed by such persons or authorities as may from time to time have power to fix fees for searches of registers of baptisms, and until such fee is fixed a sum of one shilling and sixpence.

Interpretation.

3. In this Measure:—

the expression “custodian” means the rector, vicar, curate or officiating minister of any parish or chapelry who by virtue of section five of the Parochial Registers Act, 1812, has custody of registers of baptisms and the chief officer of any diocesan record office and any diocesan registrar who, by virtue of the Parochial Registers and Records Measure, 1929, has the custody of such registers;

the expression “interested person” means the legitimated person in question, or either of his parents, or any other person who satisfies the custodian that he has a reasonable personal or other interest in the matter.

19 & 20 Geo. 5.  
No. 1.



4. This Measure may be cited as the Baptismal Registers Short title Measure, 1961.

### SCHEDULE

#### PART I

Section 1.

Certificate showing re-registration of birth,  
produced to me this                      day of                      19 ..  
showing father's name as A.                      B.

(signed)

Officiating Minister  
Officer in charge of  
diocesan record office  
Diocesan Registrar } or as the case may be.

#### PART II

Section 2.

#### CERTIFICATE OF BAPTISM

I hereby certify from the records of the parish of (1)  
that (2)  
was baptised according to the rites and ceremonies of the Church of  
England on the                      day of                      in the year of  
Our Lord 19 .

(signed)

Rector, vicar, curate, minister of

or

Chief Officer of the diocesan record  
office of the Diocese of

or

Registrar of the Diocese of

The particulars to be inserted in the numbered spaces of the above form are:—

- (1) The name of the parish or other place of which the register of baptisms in question is or was the register. If the place is not a parish the word parish is to be struck out and other appropriate words are to be substituted therefor.
- (2) The Christian names of the baptised person as recorded in the entry followed by the surname of his father as recorded in the entry or if more than one such surname is so recorded or if his mother appears from the entry to have borne a different surname at the date of his baptism, such one of those surnames of his father or mother as the applicant may request. If an annotation has been made against the entry in the register, by virtue of section one of this Measure the surname is to be that recorded in the annotation. If there is no such annotation and no entry appears in the column for the father's name in the register the surname to be inserted is the surname of the baptised person's mother appearing from the entry to have been used by her at the date of baptism or, if more than one such surname is so recorded, such one of them as the applicant may request.

9 &amp; 10 ELIZ. 2

No. 3

**A MEASURE passed by the National Assembly of the Church of England**

To consolidate with amendments the Acts of Parliament and Measures of the Church Assembly relating to pensions for clergy and their widows and dependants and to the powers of the Church of England Pensions Board; to provide for increases in the pensions payable to clergy and for making the pensions payable to bishops no longer contributory; to provide for pensions which are not contributory for certain widows of clergy; to confer on the Church of England Pensions Board power to provide homes of residence for retired church workers and their wives and for the widows and dependants of deceased church workers; and for purposes connected with the matters aforesaid.

[3rd August, 1961]

**PART I****PENSIONS FOR CLERGY**

Entitlement to pension.

**1.**—(1) Subject to the provisions of this Measure, any clerk in Holy Orders (hereafter in this Measure referred to as a “clerk”) who retires on or after the first day of April, nineteen hundred and sixty-one, after performing a qualifying period of pensionable service shall be entitled to receive from the Commissioners for the remainder of his life—

- (a) if he retires on or after attaining the retiring age, a pension at the rate applicable to him under Part I of the First Schedule to this Measure;
- (b) if he retires before attaining the retiring age on the ground that he has become incapable through infirmity of performing the duties of his office, a pension at the rate applicable to him under Part II of the said Schedule; or
- (c) if he retires before attaining the retiring age but not more than five years before he would have attained that age (not being a clerk mentioned in the last foregoing paragraph), a pension at the rate applicable to him under Part III of that Schedule.

(2) Subject to the provisions of this section, the expression “pensionable service” for the purposes of this Measure means—

- (a) whole time ecclesiastical service within the area to which this Measure applies in connection with a diocese,

cathedral or parish, or in connection with the collegiate churches of Westminster or Windsor ;

- (b) service which is to be treated as pensionable service by virtue of an agreement under the next following subsection ;

and the expression a “ qualifying period of pensionable service ” means a period of pensionable service of not less than ten years, or a succession of periods of such service (either with or without intervals) amounting in the aggregate to not less than ten years :

Provided that in relation to any individual clerk the Board with the concurrence of the Commissioners may in exceptional circumstances substitute for the references in this section to ten years references to such shorter period as the Board may determine.

(3) The Board may enter into an agreement with any clerk under which any service performed by him as a clerk, whether within or outside the area to which this Measure applies, may be treated as pensionable service for the purposes of this Measure, and any such agreement may, if the Board think fit, require the clerk concerned to pay to the Commissioners such sum or sums of money as the Board may determine having regard to the nature of the service performed and to the cost of treating that service as pensionable service.

(4) Any period of service in respect of which a clerk is a member of any pension or superannuation scheme other than that established by this Measure or the National Insurance Acts, 1946 to 1960, shall not be treated as pensionable service for the purposes of this Measure :

Provided that, if the clerk ceases to be a member of that other scheme before becoming entitled to a pension thereunder, the Board may enter into an agreement with that clerk under which the said period of service may be treated as pensionable service for the purposes of this Measure, and any such agreement may, if the Board think fit, require the clerk concerned to pay to the Commissioners such sum or sums of money as the Board may determine.

(5) Where there is an interval not exceeding three months between two periods of pensionable service performed by any clerk, then for the purpose of determining whether that clerk has performed a qualifying period of pensionable service or of determining the length of the qualifying period of pensionable service performed by him, he shall be treated as having performed pensionable service during that interval.

(6) Subject to the provisions of the last foregoing subsection, where any period of service begins otherwise than on the first day of any month, the period of service shall be treated for

the purposes of this Measure as beginning on the first day of the next following month, and where a period of service ends otherwise than on the last day of any month, it shall be treated for the purposes of this Measure as having ended on the last day of the immediately preceding month.

Provision  
as to rates  
of pension.

2.—(1) The Commissioners shall have power to give to the Board, either on one occasion or on successive occasions, directions for increasing the rates of pension payable under the foregoing section or the rate of pension payable under that section to any class of persons.

(2) The Commissioners may, at the request of the Board, authorise the Board to augment, by such sum as may be specified in the authorisation and during such period as may be so specified, the pension payable under the foregoing section to any individual clerk.

(3) The Board, if they consider that the total income of any clerk who is in receipt of a pension under this Measure is or is likely to be at a rate less than such yearly rate as the Board, with the concurrence of the Commissioners, may from time to time determine, shall authorise the Commissioners to pay to that clerk such supplementary pension as will bring his total income up to that yearly rate.

In this subsection the expression “total income” means in relation to a clerk the total income of that clerk from all sources as estimated by the Board, and in the case of a clerk who is living with his wife means the aggregate of his total income and that of his wife as so estimated :

Provided that in estimating the total income of any person the Board may disregard such part of the income of that person as in the special circumstances of the case they think fit.

(4) Where a clerk who is entitled to a pension under this Measure dies within twelve months of entering upon his pension, the Commissioners shall pay to his legal personal representatives the pension that would have been payable to him under the foregoing section in respect of one year less any instalment thereof previously paid to him, and in calculating the pension that would have been payable to him as aforesaid the Commissioners shall not take into account any augmentation or supplementary pension authorised under this section.

Retirement  
on grounds  
of permanent  
infirmity.

3.—(1) A clerk shall not be entitled to receive a pension under this Measure on the ground that he has become incapable through infirmity of performing the duties of his office unless the Board are satisfied after considering medical evidence that he is so incapable and that the infirmity is likely to be permanent :

Provided that the Board, in addition to considering medical evidence for the purposes of this subsection, may consider such other evidence as in their opinion is necessary.

(2) A clerk who is dissatisfied with a decision of the Board under the last foregoing subsection that he is not incapable as aforesaid or that the infirmity is not likely to be permanent may appeal therefrom to a board of two or more referees appointed by the Board as suitable persons to consider that appeal, and the decision of the board so appointed shall be final.

4.—(1) If a clerk who is in receipt of a pension under this Measure or any Measure repealed by this Measure accepts office as a diocesan bishop, suffragan bishop, archdeacon, dean, provost, residentiary canon or incumbent of a benefice, whether within or outside the area to which this Measure applies, the Board shall suspend his pension so long as he holds that office. Suspension or reduction of pension in case of service after retirement.

(2) If a clerk who—

(a) is in receipt of a pension under this Measure or any Measure repealed by this Measure, and

(b) has not attained the retiring age,

performs after his retirement service which is pensionable service (not being service in an office mentioned in the last foregoing subsection), the Board shall have power to suspend or reduce the pension as they think fit.

(3) Where the pension of a clerk who has retired after performing less than forty years' pensionable service is suspended or reduced under this section, then, on his second retirement, he shall be paid a pension at such rate as the Board think fit having regard to the additional period of pensionable service performed, not being a rate lower than that received by him before the pension was suspended or reduced.

(4) The rate of pension payable to any clerk under this Measure shall not be increased by reason of the performance by him of pensionable service after retirement unless his pension has been suspended or reduced under this section.

5. Where any clerk who has been ordained after the passing of this Measure becomes incapable, under ecclesiastical law or the provisions of any Act or Measure, of holding preferment in the Church of England or a church in communion with the Church of England, he shall forfeit any right to a pension under this Measure; but the Board may, if they think fit, authorise the Commissioners to pay him either the pension to which, apart from this section, he would have been entitled or part of that pension: Forfeiture of pension.

Provided that nothing in this section shall affect the pension of any clerk who has retired and entered upon his pension under this Measure before he became incapable of holding preferment as aforesaid.

Application  
for pension.

**6.** A pension to which a clerk is entitled under this Part of this Measure shall not begin to accrue before the date on which an application therefor, made in such manner as the Board may determine, is received by the Board; and where a clerk is incapacitated from making such an application himself, the Board may authorise some other person to make an application on his behalf:

Provided that the Board may, if they think fit, authorise the accrual of the pension from such date earlier than the date of the receipt by them of an application therefor as they may determine.

Return of  
contributions  
paid under  
the Clergy  
Pensions  
Measure, 1948.

**7.—(1)** Subject to the provisions of this Measure, where a clerk who has paid contributions under Part I of the Clergy Pensions Measure, 1948, dies before entering upon a pension under this Measure, the Commissioners shall pay to his legal personal representatives such sum as is specified in subsection (3) of this section:

Provided that no payment shall be made under this subsection in respect of a clerk who has received a payment under the next following subsection.

(2) Where a clerk who has paid contributions as aforesaid ceases to perform pensionable service in such circumstances that he is not entitled to receive immediately a pension under this Measure, the Board may forthwith at their discretion and shall upon his attaining the retiring age or retiring before that age by reason of infirmity in such circumstances as aforesaid, upon an application made by him in such form as the Board may require, authorise the Commissioners to pay to him such sum as specified in subsection (3) of this section:

Provided that no payment shall be made under this subsection to a clerk who makes an application therefor after he has become entitled to receive a pension under this Part of this Measure.

(3) The sum to be paid under this section shall be:—

(a) such sum as is equal to the aggregate of all the contributions payable by the clerk under Part I of the Clergy Pensions Measure, 1948, together with compound interest at the rate of two and one-half per cent. per annum with annual rests upon each contribution repaid calculated from the date of the payment thereof to the date of death, in the case of repayment under subsection (1) of this section, or to the date of repayment, in the case of repayment under subsection (2) of this section;

(b) in the case of a clerk admitted to deacon's orders after the thirty-first day of December, nineteen hundred and twenty-six, who has not at any time been an excluded person within the meaning of the Clergy Pensions

Measure, 1948, and who dies before receiving a pension under this Measure, either such a sum as aforesaid or the sum of £200, whichever is the greater :

Provided that—

- (i) the Commissioners shall deduct from the sum payable any arrears of contributions due from the clerk together with interest at the rate of five per cent. per annum calculated from the respective dates upon which the contributions in arrear were due ;
- (ii) the Commissioners shall have power to deduct from the sum payable an amount equal to the amount of any income tax payable by the Commissioners in respect of that sum.

(4) A clerk who receives a payment under subsection (2) of this section shall cease to have any right under this Measure to receive on retirement a pension in respect of service performed before the date of the payment, and if any such clerk performs pensionable service after receiving such a payment he shall not be entitled to have any period before the payment taken into account in calculating his qualifying period of pensionable service :

Provided that any clerk who performs pensionable service after receiving any such payment as aforesaid :—

- (a) shall have the right upon repaying to the Commissioners the amount paid to him together with—
  - (i) an amount equal to any deduction made from the amount paid to him under paragraph (i) or paragraph (ii) of the proviso to the last foregoing subsection, and
  - (ii) compound interest thereon at the rate of two and one-half per cent. per annum with annual rests calculated from the date of payment to him,
 to be reinstated in the possession of all the rights to which he would have been entitled if the return of contributions had not been made ; or
- (b) if he does not avail himself of the said right, may, at the discretion of the Board, be wholly or partially reinstated in the possession of those rights upon such terms and conditions as the Board may think fit.

(5) The provisions of this section shall not apply in relation to a diocesan bishop who was consecrated before the fifteenth day of June, nineteen hundred and forty-five, and paragraph (b) of subsection (3) of this section shall not apply in relation to any bishop who has paid contributions under the Episcopal Pensions Measures.

(6) The rights conferred by this section shall be incapable of being assigned by any instrument or act *inter vivos* or of being charged or anticipated, and shall not pass to any trustee in bankruptcy.

(7) For the purposes of this section the following payments shall be deemed to be contributions paid under Part I of the Clergy Pensions Measure, 1948, that is to say:—

- (a) any contribution or other sum paid by a clerk ordained before the first day of January, nineteen hundred and forty-eight, under an agreement made under section twenty-six of the Clergy Pensions Measure, 1948, or paragraph (e) of subsection (1) of section twenty-nine of that Measure, or under subsection (3) or subsection (4) of section one of this Measure, and any sum received under reciprocal arrangements made under section fifty or section fifty-one of the Clergy Pensions Measure, 1948, or under section forty-one or section forty-two of this Measure in respect of service performed by such a clerk ; and
- (b) any contribution or other sum paid in respect of service performed after the thirty-first day of December, nineteen hundred and fifty-four, by a clerk ordained after the thirty-first day of December, nineteen hundred and forty-seven, under an agreement made under section twenty-six of the Clergy Pensions Measure, 1948, or paragraph (e) of subsection (1) of section twenty-nine of that Measure or under subsection (3) or subsection (4) of section one of this Measure, and any sum received under reciprocal arrangements made under section fifty or section fifty-one of the Clergy Pensions Measure, 1948, or under section forty-one or section forty-two of this Measure in respect of such service :

Provided that paragraph (b) of subsection (3) of this section shall not apply in relation to a clerk ordained after the said thirty-first day of December, nineteen hundred and forty-seven.

Return of contributions paid under the Episcopal Pensions Measures.

8. A bishop who has paid contributions under the Episcopal Pensions Measures shall have the same rights in relation to those contributions as any clerk has under the last foregoing section in relation to contributions paid under the Clergy Pensions Measure, 1948, and accordingly the provisions of that section shall have effect in relation to contributions paid under the said Episcopal Pensions Measures subject to the following modifications:—

- (a) for any reference in that section to Part I of the Clergy Pensions Measure, 1948, there shall be substituted a reference to the Episcopal Pensions Measures ;



- (b) paragraph (b) of subsection (3) of that section and subsection (5) of that section shall not apply ;
- (c) in relation to a bishop who has received a payment under subsection (2) of the last foregoing section and under that subsection as applied by this section, the reference in the proviso to subsection (4) of that section to the amount paid to him shall be construed as a reference to the aggregate amount paid to him, and the reference in that proviso to the deductions made under paragraph (i) and paragraph (ii) of the proviso to the said subsection (3) of that section shall be construed as a reference to the aggregate amount of the deductions made under the said subsection (3) and under that subsection as applied by this section.

9.—(1) Any clerk who on the thirty-first day of March, nineteen hundred and sixty-one, is in receipt of a pension under any Measure repealed by this Measure shall, as respects pension accrued or accruing on or after the said date, be paid the rate of pension to which he would have been entitled if this Measure had been passed before the date of his retirement: Transitional provisions.

Provided that if the rate of pension which the clerk has been receiving before the first day of April, nineteen hundred and sixty-one, is higher than the rate of pension payable under this Measure, the Board shall increase the rate of pension so payable so as to secure that he shall not by reason of the passing of this Measure receive a smaller pension than he would otherwise have received.

(2) Where a clerk ordained before the passing of this Measure retires on or after the said first day of April and the rate of pension to which he would have been entitled if this Measure had not been passed is higher than the rate of pension payable under this Measure, the Board shall increase the rate of pension so payable so as to secure that he shall not by reason of the passing of this Measure receive a smaller pension than he would otherwise have received :

Provided that this subsection shall not apply in relation to a bishop who is consecrated after the passing of this Measure.

(3) The reference in the last foregoing subsection to the pension to which a clerk would have been entitled if this Measure had not been passed shall be construed as including a reference to any augmentation which would, in the opinion of the Board, have been granted under section eight of the Clergy Pensions Measure, 1948, if this Measure had not been passed.

## PART II

## PENSIONS FOR WIDOWS AND DEPENDANTS

*Pensions for Widows*Pensions  
for widows.

**10.**—(1) Where a clerk who has performed a qualifying period of pensionable service dies on or after the first day of April, nineteen hundred and sixty-one, leaving a widow to whom he was married for not less than five years, his widow shall be entitled to receive from the Board for the remainder of her life, so long as she remains a widow, a pension of the following amount, that is to say:—

- (a) if the clerk was in receipt of a pension at the time of his death, a pension equal to one-third of the pension received by the clerk, or
- (b) if the clerk was not in receipt of a pension at the time of his death, a pension equal to one-third of the pension to which he would have been entitled in respect of the period of pensionable service performed by him if he had retired at the retiring age after having performed the same period of pensionable service:

Provided that the Board may if they think fit in exceptional circumstances grant a pension to a widow under this section notwithstanding that she was married for less than five years or that her husband had performed less than ten years' pensionable service.

(2) The Commissioners shall have power to give to the Board, either on one occasion or on successive occasions, directions for increasing the rate of pension payable under this section.

(3) Where a clerk has forfeited any right to a pension under this Measure by virtue of section five thereof, his widow shall not have a right to a pension under this section; but the Board may if they think fit pay to the widow either the pension to which apart from this subsection she would have been entitled or part of that pension.

(4) Where a clerk has received a payment under subsection (2) of section seven of this Measure, or under that subsection as applied by section eight of this Measure, and the amount paid to him has not been repaid under the proviso to subsection (4) of the said section seven, or under that proviso as so applied, then, in determining for the purposes of this section whether the clerk has performed a qualifying period of pensionable service, no account shall be taken of any period of service performed by him before the payment.

(5) In determining for the purposes of this section the rate of pension received by a clerk, no account shall be taken of any augmentation or supplementary pension payable to him

under section two of this Measure or of any augmentation payable to him under section eight of the Clergy Pensions Measure, 1948.

(6) Where a clerk has surrendered to the Board under an agreement made under section fifteen of this Measure a part of his right to a pension under this Measure, he shall for the purposes of this section be deemed to have received the pension which he would have received if he had not entered into that agreement.

(7) Where the pension of a clerk has been suspended under section four of this Measure and the clerk dies while the pension is in suspension leaving a widow who is entitled to a pension under this section, his widow shall be entitled to receive—

- (a) a pension equal to one-third of the pension received by the clerk before the suspension, or
- (b) a pension equal to one-third of the pension to which he would have been entitled in respect of the period of pensionable service performed by him if he had retired at the retiring age after having performed the same period of pensionable service,

whichever is the greater.

*Contributory pensions for widows and children of clergy  
ordained after 1947*

**11.**—(1) Subject to the provisions of this Measure, every clerk ordained after the thirty-first day of December, nineteen hundred and forty-seven, who is performing pensionable service shall pay to the Board contributions at the following rates, that is to say:—

Contributions  
payable  
by clergy  
ordained  
after 1947.

- (a) for a contributor under the age of fifty years at the date on which he first becomes subject to the provisions of this section, nine pounds per annum ;
- (b) for a contributor aged fifty years or over at the date on which he first becomes subject to the provisions of this section, a sum to be determined by an actuary.

(2) Contributions under this section shall be payable half yearly, the first half yearly payment being due on the second payment date that occurs after the date on which the contributor first becomes subject to the provisions of this section.

In this subsection the expression “ payment date ” means the thirty-first day of March, the thirtieth day of June, the thirtieth day of September or the thirty-first day of December.

(3) The liability of a clerk to pay contributions under this section shall cease with the half yearly payment next before:—

- (a) his attainment of the age of seventy years ;

- (b) his entering upon the receipt of a pension by reason of infirmity ;
- (c) his ceasing to perform pensionable service for any reason other than those mentioned in the two last foregoing paragraphs ; or
- (d) his death

whichever shall first happen.

(4) A contribution paid under this section shall in no circumstances be repaid to the clerk by whom it was paid.

(5) Any reference in subsection (1) of this section to the date on which a clerk first becomes subject to the provisions of this section shall in relation to a clerk who immediately before the passing of this Measure was paying contributions under section twenty of the Clergy Pensions Measure, 1948, be construed as a reference to the date on which he first became liable to pay contributions under that section :

Provided that a clerk who was paying contributions under the said section twenty before the passing of the Clergy Pensions Measure, 1954, shall be liable to pay contributions at the rate of nine pounds per annum under this section notwithstanding that he was aged fifty years or over when he first became liable to pay contributions under the said section twenty.

Pensions payable to widows and children of clergy ordained after 1947.

**12.** On the death of a clerk who has paid contributions under the last foregoing section from the date on which he first becomes subject to the provisions of that section to his attainment of the age of seventy years, his entering upon the receipt of a pension by reason of infirmity or his death, whichever shall first occur :—

- (a) where he leaves a widow, that widow shall be paid as from his death during the remainder of her life so long as she remains a widow, a pension at the rate of fifty pounds per annum ;
- (b) where he leaves a child or children under the age of eighteen years, a pension at the rate of twenty-five pounds per annum shall be payable for the benefit of that child or (if more than one) of each of those children, the pension to begin at the death of the clerk and to continue until the child in question attains the age of eighteen years.

Preservation of pension rights on termination of liability to pay contributions under s. 11.

**13.** Where a clerk has ceased to be liable to pay contributions under section eleven of this Measure by reason of paragraph (c) of subsection (3) of that section, he may by agreement with the Board pay such a sum or sums of money as an actuary may require in order to entitle his widow and children (if any) to receive at his death the benefits to which they would have been entitled under the last foregoing section if he had not ceased

to be liable to pay contributions as aforesaid ; but if no such agreement is made then, on his death, the said benefits shall be granted at such reduced rate as an actuary may certify to be proper :

Provided that on the death of a clerk who has paid contributions under the said section eleven for a period or aggregate of periods of not less than two years, but has ceased by reason of paragraph (c) of the said subsection (3) to pay contributions for a period not exceeding one year immediately before his death, the benefits mentioned in the last foregoing section shall not be reduced.

*Provisions as to contributions paid under Part II of the Clergy Pensions Measure, 1948*

14.—(1) After the passing of this Measure a clerk ordained during the period beginning on the first day of July, nineteen hundred and thirty-six, and ending on the thirty-first day of December, nineteen hundred and forty-seven, shall not be liable to pay contributions towards a pension for his widow or dependants, but any clerk who has at any time paid contributions under Part II of the Clergy Pensions Measure, 1948, may, if he so wishes, continue to pay or resume the payment of those contributions.

Provisions as to contributions paid under Part II of the Clergy Pensions Measure, 1948.

(2) Where a clerk has paid contributions towards a pension for his widow or dependants, whether under the said Part II or by reason of the last foregoing subsection, continuously from the date on which he first became liable to pay contributions under the said Part II to his attainment of the age of seventy years, his entering upon the receipt of a pension by reason of infirmity or his death, whichever shall first occur, then, on his death, the Board shall pay to his widow or a dependant nominated by him a pension for life of such an amount as an actuary certifies to be at his death equivalent to a capital sum of two hundred pounds, or if he dies leaving no widow or nominated dependant, the Board shall pay to his legal personal representative the sum of two hundred pounds.

(3) Where a clerk has paid contributions towards a pension for his widow or dependants as aforesaid but has not paid those contributions continuously from the date on which he first became liable to pay contributions under the said Part II until his attainment of the age of seventy years, his entering upon the receipt of a pension by reason of infirmity or his death, whichever shall first occur, then, on his death, the Board shall pay to his widow or a dependant nominated by him such pension as an actuary certifies to be due in respect of the contributions paid by him, or if he dies leaving no widow or nominated dependant, shall pay to his legal personal representatives such capital sum as an actuary certifies as aforesaid.

(4) A clerk who has paid contributions as aforesaid may at any time within one year from the passing of this Measure apply to the Board for the repayment to him of such sum as an actuary may certify to be due to him in respect of the contributions paid by him :

Provided that—

- (a) the Board shall have power to deduct from the sum payable an amount equal to the amount of any income tax payable by the Board in respect of that sum ; and
- (b) where a payment is made under this subsection, no pension or capital sum shall be payable under subsection (2) or subsection (3) of this section.

*Pensions payable to widows and dependants by agreement*

Pensions payable to widows and dependants by agreement.

**15.**—(1) The Board shall have power to enter into an agreement with any clerk for the payment as from the death of the clerk of a pension to his widow or to such dependant or dependants of the clerk as may be specified in the agreement.

(2) The consideration for any agreement under this section shall in every case be actuarially adequate, and may consist either of periodical or other contributions in money or (notwithstanding any provision of any Act or Measure relating to the inalienability of pensions for clergy) of a surrender by the clerk concerned to the Board of any part of his rights to a pension or a return of contributions under Part I of this Measure :

Provided that—

- (a) no clerk shall surrender such a proportion or a prospective right to such a proportion of the pension as would, in the opinion of the Board, if surrendered leave him without adequate provision for his needs, and in no case shall he surrender more than one-half of a pension or a prospective right to more than one-half of a pension ; and
  - (b) no prospective right to a pension shall be surrendered except in contemplation of the retirement of the clerk concerned, and if his retirement does not take place within three months from the surrender, the surrender shall be void.
- (3) An agreement made under this section :—
- (a) may provide for the payment of a pension both to the widow and to one or more dependants of the clerk concerned ;
  - (b) may apply, with or without modifications, any of the foregoing provisions of this Part of this Measure ; and
  - (c) may be modified by agreement between the Pensions Board and the clerk concerned by the substitution of one beneficiary for another or otherwise.

(4) Any pension payable by virtue of an agreement made under this section to the widow or dependant of a clerk shall be payable in addition to and not in substitution for any pension or sum payable to the widow or dependant under any other provision of this Measure.

*Power of Board to commute pension under Part II for capital sum*

16. Where the aggregate pension payable under the foregoing provisions of this Part of this Measure is not more than thirty pounds per annum, the Board shall have power to commute the pension for such capital sum as is estimated to be the actuarial equivalent thereof, and the Board :—

Power of Board to commute pension for capital sum.

- (a) if the person entitled to the pension is of full age and capable of giving an effective discharge, shall pay the said capital sum to that person, and
- (b) in the case of any other person, shall apply the capital sum for the maintenance, education and benefit of that person in such manner as they may think fit:

Provided that—

- (a) the Board shall have power to deduct from the sum payable an amount equal to the amount of any income tax payable by the Board in respect of that sum ; and
- (b) where the aggregate pension payable under the foregoing provisions of this Part of this Measure is more than ten pounds per annum, the Board shall not exercise their powers under this section unless they have obtained the consent of the person entitled to the pension, if he is of full age and capable of giving his consent.

### PART III

#### FINANCE AND ADMINISTRATION

##### *Financial Provisions*

17.—(1) All payments to be made by the Commissioners under Part I of this Measure shall be made by them out of their general fund.

Payments out of general fund of Commissioners.

(2) The Commissioners shall pay to the Board out of their general fund such sum as is required by the Board for the payments to be made by them under section ten of this Measure.

(3) The Commissioners shall have power to make from time to time to the Board grants out of their general fund of such amounts as they may think expedient for any purpose connected with the payment of pensions to retired clerks or to the widows and dependants of deceased clerks.

Clergy  
(Widows and  
Dependants)  
Pensions  
Fund.

**18.**—(1) The Board shall continue to administer the Clergy (Widows and Dependants) Pensions Fund established under the Clergy Pensions Measure, 1954.

(2) The Board shall pay into the said fund all sums received by them in respect of contributions payable under Part II of this Measure or received by them from the Commissioners under subsection (2) of the last foregoing section, and the Board shall pay out of the said fund all payments required to be made by them under the said Part II.

(3) If at any time it appears to the Board, after the valuation provided for by subsection (4) of section thirty-four of this Measure, that the Clergy (Widows and Dependants) Pensions Fund is more than sufficient to discharge the liabilities imposed on them by Part II of this Measure, the Board may direct, subject to the approval of the Church Assembly given by resolution, that the surplus or any part thereof be applied for the reduction of contributions payable by clerks under the said Part II or for the increase of pensions payable to the widows and dependants of deceased clerks under the said Part II.

Clergy  
Pensions  
Augmentation  
Fund.

**19.** The Board shall continue to administer the Clergy Pensions Augmentation Fund established under the Clergy Pensions Measure, 1948, and shall pay into that fund any testamentary or other gifts made to the Board:—

(a) for the relief of poverty in the case of any retired clerk ;  
or

(b) for the provision of homes of residence for retired clerks and their wives and for the widows and dependants of deceased clerks in accordance with the provisions of section twenty-six of this Measure ;

and, subject to any conditions imposed by the testators or other donors, the Board may at their discretion apply the fund or any part thereof for those purposes.

Clergy  
(Widows and  
Dependants)  
Pensions  
Augmentation  
Fund.

**20.**—(1) The Board shall continue to administer the Clergy (Widows and Dependants) Pensions Augmentation Fund established under the Clergy Pensions Measure, 1948, and shall pay into that fund any testamentary or other gifts made to the Board:—

(a) for the relief of poverty in the case of any widow, child or dependant of a deceased clerk ; or

(b) for the provision of homes of residence for the widows and dependants of deceased clerks in accordance with the provisions of section twenty-six of this Measure ;

and, subject to any conditions imposed by the testators or other donors, the Board may at their discretion apply the fund or any part thereof for those purposes.



(2) The Board shall pay into a separate account of the said fund any sums received from a diocese for the relief of poverty in the case of any widow or dependant of a deceased clerk, and the Board shall hold any such sums on behalf of the diocese by whom they were paid and shall add to those sums interest, at such rate as the Board may from time to time determine, on any amount held by the Board for that diocese under this subsection for a calendar year.

(3) The Board shall pay out of the said account any payments required to be made by them for the said purpose by a diocese, not exceeding in aggregate the total of the sums paid to them by that diocese together with any interest payable thereon under the last foregoing subsection.

#### *Constitution of the Board*

**21.**—(1) There shall continue to be a board to be called “The Church of England Pensions Board” (in this Measure referred to as “the Board”) and the Board shall exercise and perform the functions assigned to them by this Measure. Constitution  
of Board.

(2) The Board shall be a body corporate with perpetual succession and a common seal.

(3) The Board shall consist of a chairman appointed by the Church Assembly and not less than twenty-one or more than twenty-three other members appointed or elected as follows:—

- (a) sixteen members shall be elected by the Church Assembly of whom eight shall be persons ordinarily resident in the Province of Canterbury and eight shall be persons ordinarily resident in the Province of York ;
- (b) five members shall be appointed by the Commissioners of whom one shall be a diocesan bishop ; and
- (c) not more than two other members shall be elected by the Church Assembly from among the beneficiaries of the Clergy Pensions Institution :

Provided that—

- (i) at the first election to be held after the total number of beneficiaries of the said Institution in existence on the first day of January, nineteen hundred and twenty-seven is reduced by reason of death or otherwise by six thousand, the number of members elected under paragraph (c) of this subsection shall be reduced to one, and
- (ii) as soon as the total number of the said beneficiaries does not exceed five hundred, no further member from among the said beneficiaries shall be elected.

(4) Subject to the provisions of this section, the chairman of the Board shall hold office for such period as the Church Assembly may determine, not being longer than six years, and the other members of the Board shall hold office for a period of six years ;

Provided that where there is delay in electing or appointing new members, the existing elected or appointed members of the Board shall, notwithstanding the expiration of the period for which they were elected or appointed, as the case may be, continue to hold office until the election or appointment of their successors.

(5) A casual vacancy occurring among the members of the Board appointed by the Commissioners shall be filled as soon as possible by the Commissioners, and any other casual vacancy shall be filled as soon as possible by the Standing Committee of the Church Assembly—

(a) if the member to be replaced was elected under paragraph (a) of subsection (3) of this section, by the appointment of a person ordinarily resident in the Province in which the member replaced was ordinarily resident at the time of his election, and

(b) if the member to be replaced was elected under paragraph (c) of the said subsection (3), by the appointment of another beneficiary of the Clergy Pensions Institution.

(6) A person elected or appointed to fill a casual vacancy shall hold office only for the remainder of the period for which the member replaced would have held office.

(7) The chairman and any other member of the Board vacating office shall be eligible for re-election or re-appointment.

(8) The chairman or any other member of the Board may for good cause be removed from office by the body by whom he was elected or appointed.

(9) The Board may act notwithstanding a vacancy among the members thereof.

(10) The quorum of the Board shall be seven.

(11) Subject to the foregoing provisions of this section, the Board may make standing orders regulating their own procedure.

(12) The common seal of the Board shall be judicially noticed and shall be authenticated by the signature of the secretary or of some other officer of the Board authorised by the Board to act for that purpose.

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

**22.**—(1) Subject to the provisions of this Measure, the Board may appoint such officers and servants as may be necessary for the purpose of carrying this Measure into effect, and may determine their duties and remuneration.

Provisions  
to officers  
and servants,  
and working  
expenses, of  
the Board.

(2) The Commissioners shall defray out of their general fund:—

- (a) the salaries or other remuneration of the officers and servants of the Board, and
- (b) the working expenses of the Board.

(3) The Commissioners may, after consultation with the Board, give to the Board directions of a general character as to the employment by them of officers and servants, as to the salaries or other remuneration of their officers and servants, and as to the incurring by the Board of working expenses, in so far as it appears to the Commissioners that things done as to any of those matters will or may affect substantially the amount of the liability imposed on their general fund thereby, and the Board shall give effect to any such directions.

**23.**—(1) The Board may, if they think fit, appoint committees consisting of members of the Board and, subject to the provisions of this Measure, may delegate to such committees any of their functions. Appointment of committees.

(2) The Board may appoint any persons or any body of persons, whether members of the Board or not, to act, upon such terms and conditions as may be laid down by the Board, as local committees for any areas, whether dioceses or not, and, subject to the provisions of this Measure, may delegate to such committees any of their functions.

#### *Powers of the Board*

**24.** The Board shall control and administer the system of pensions established by this Measure and for that purpose shall have power:— General functions of the Board in relation to pensions.

- (a) to enter into agreements for the receipt and payment of actuarial equivalents of any contributions or pensions under this Measure ; and
- (b) to borrow money for the purposes of Part II of this Measure and to secure the money upon the Clergy (Widows and Dependants) Pensions Fund or any of its assets.

**25.** The Commissioners may, after consultation with the Board, give to the Board directions of a general character as to the exercise and performance by the Board of their functions, being directions which appear to the Commissioners to be requisite or expedient for securing a due balance between the amounts respectively of the liability imposed on their general fund by virtue of subsection (1) and subsection (2) of section seventeen of this Measure on the one hand and the resources of that fund available for meeting the liability on the other hand, and the Board shall give effect to any such directions. Power of Commissioners to give directions as to exercise of functions of Board.

Powers of Board as to provision of residences.

26.—(1) The Board shall have power:—

- (a) to provide, maintain and manage homes for the residence of retired clerks and their wives and for the widows and dependants of deceased clerks ;
- (b) to provide, maintain and manage homes for the residence of retired church workers and their wives and for the widows and dependants of deceased church workers ;
- (c) to assist others in providing, maintaining or managing any such homes as are mentioned in the two last foregoing paragraphs ; and
- (d) to assist others in maintaining any such persons as are mentioned in paragraphs (a) and (b) of this subsection in homes of residence for such persons and other persons.

(2) For the purposes of exercising any of their powers under the last foregoing subsection the Board may:—

- (a) acquire, hold, maintain, convert or repair any land or buildings ;
- (b) assist other persons in acquiring, maintaining, converting or repairing any land or buildings ;
- (c) construct or improve, or assist other persons in the construction or improvement of, houses or buildings of any kind.

(3) Each of the several acts and things which the Board have power to do by virtue of the foregoing provisions of this section may be done either alone or in conjunction with other persons.

(4) The Board may defray any expenditure incurred by them in the exercise of the powers conferred by the foregoing provisions of this section, other than provisions relating to homes for the residence of retired church workers and their wives or for the widows and dependants of deceased church workers, out of the Clergy Pensions Augmentation Fund or the Clergy (Widows and Dependants) Pensions Augmentation Fund, and may also, for the purpose of defraying any such expenditure, borrow money on the security of any assets belonging to either of the said Funds :

Provided that:—

- (a) nothing in this subsection shall authorise the use of assets belonging to the Clergy (Widows and Dependants) Pensions Augmentation Fund, or of moneys borrowed on the security of those assets, for the benefit of persons other than widows and dependants of deceased clerks ; and
- (b) the powers conferred by this subsection shall, in relation to any assets belonging to either of the said Funds,

have effect subject to any expressed directions of the testators or other donors relating to the manner in which those assets are to be applied.

(5) Nothing in this section shall authorise the Board to acquire, hold or apply any property, whether real or personal, for any purposes other than charitable purposes.

**27.** The Board shall have power to establish, administer or participate with others in the administration of pensions schemes for the benefit of church workers or the widows or dependants of such workers and may, in conjunction with the exercise of their said powers, acquire and hold property, whether real or personal, either alone or jointly with others.

Power of Board to administer pensions schemes for church workers.

**28.** The Board shall have power to establish a fund to be called "The Church Workers Pensions Augmentation Fund" and shall have power to pay into that fund any testamentary or other gifts made to the Board—

Power of Board to establish Church Workers Pensions Augmentation Fund.

(a) for the relief of poverty in the case of any retired church worker or the widow or dependant of a deceased church worker ; or

(b) for the provision of homes of residence for retired church workers and their wives and for the widows and dependants of deceased church workers in accordance with the provisions of section twenty-six of this Measure ;

and the Board may at their discretion apply the said Fund or any part thereof for those purposes, and may also borrow money on the security of the assets of the said Fund in order to defray expenditure incurred for the said purposes :

Provided that the powers conferred by this section shall have effect subject to any expressed directions of the testators or other donors relating to the manner in which the assets of the Fund are to be applied.

**29.** The Board shall be deemed to be a housing association within the meaning of the Housing Act, 1957, and the provisions of that Act, including in particular the provisions of section one hundred and twenty thereof (which relate to arrangements between local authorities and housing associations) shall have effect accordingly.

Board to be a housing association.

**30.—(1)** The Board shall have power to accept a transfer of any property (whether real or personal) subject to existing charitable trusts for the benefit of retired clerks or church workers or the widows or dependants of deceased clerks or church workers and to administer any such property as trustee thereof.

Power of Board to act as trustee.

(2) The Board shall also have power to act as custodian trustee, or otherwise to act as trustee for limited purposes only of any property (whether real or personal) subject to charitable trusts for the benefit of retired clerks or church workers or the widows or dependants of deceased clerks or church workers; and subsections (1) and (2) of section four of the Public Trustee Act, 1906, shall apply to the Board in like manner as they apply to the public trustee.

Board to be a trust corporation.

**31.** The Board shall be a trust corporation for the purposes of the Law of Property Act, 1925, the Settled Land Act, 1925, the Trustee Act, 1925, the Administration of Estates Act, 1925, and the Supreme Court of Judicature (Consolidation) Act, 1925.

Investment powers of Board.

**32.—(1)** Subject to the provisions of this section, the Board may invest any moneys in their hands and available for investment in the following manner, that is to say:—

- (a) in Defence Bonds, National Savings Certificates and Ulster Savings Certificates;
- (b) in deposits in the Post Office Savings Bank, ordinary deposits in a trustee savings bank and deposits in a bank or department thereof certified under subsection (3) of section nine of the Finance Act, 1956;
- (c) in securities issued by Her Majesty's Government in the United Kingdom, the Government of Northern Ireland or the Government of the Isle of Man, being fixed-interest securities registered in the United Kingdom or the Isle of Man, Treasury Bills or Tax Reserve Certificates;
- (d) in any securities the payment of interest on which is guaranteed by Her Majesty's Government in the United Kingdom or the Government of Northern Ireland;
- (e) in fixed-interest securities issued in the United Kingdom by any public authority or nationalised industry or undertaking in the United Kingdom;
- (f) in fixed-interest securities issued in the United Kingdom by the Government of any overseas territory within the Commonwealth or by any public or local authority within such a territory, being securities registered in the United Kingdom;
- (g) in fixed-interest securities issued in the United Kingdom by the International Bank for Reconstruction and Development, being securities registered in the United Kingdom;
- (h) in debentures issued in the United Kingdom by a company incorporated in the United Kingdom, being debentures registered in the United Kingdom;

- (i)** in stock of the Bank of Ireland ;
- (j)** in debentures issued by the Agricultural Mortgage Corporation Limited or the Scottish Agricultural Securities Corporation Limited ;
- (k)** in loans to any authority to which this paragraph applies charged on all or any of the revenues of the authority or on a fund into which all or any of those revenues are payable, in any fixed-interest securities issued in the United Kingdom by any such authority for the purpose of borrowing money so charged, and in deposits with any such authority by way of temporary loan made on the giving of a receipt for the loan by the treasurer or other similar officer of the authority and on the giving of an undertaking by the authority that, if requested to charge the loan as aforesaid, it will either comply with the request or repay the loan ;
- (l)** in debentures or in the guaranteed or preference stock of any incorporated company, being statutory water undertakers within the meaning of the Water Act, 1945, or any corresponding enactment in force in Northern Ireland, and having during each of the ten years immediately preceding the calendar year in which the investment was made paid a dividend of not less than five per cent. on its ordinary shares ;
- (m)** in deposits by way of special investment in a trustee savings bank or in a department (not being a department certified under subsection (3) of section nine of the Finance Act, 1956) of a bank any other department of which is so certified ;
- (n)** in deposits in a building society designated under section one of the House Purchase and Housing Act, 1959 ;
- (o)** in the acquisition of freehold land or buildings in England and Wales or of leasehold property in England and Wales of which the unexpired term at the time of investment is not less than sixty years ;
- (p)** in mortgages of freehold property in England and Wales or Northern Ireland and of leasehold property in those countries of which the unexpired term at the time of investment is not less than sixty years, and in loans on heritable security in Scotland ;
- (q)** in perpetual rent-charges charged on land in England and Wales or Northern Ireland and fee-farm rents (not being rent-charges) issuing out of such land, and in feu-duties or ground annuals in Scotland ;
- (r)** in any securities issued in the United Kingdom by a company incorporated in the United Kingdom, being

securities registered in the United Kingdom and not being securities falling within any of the foregoing paragraphs of this subsection ;

- (s) in shares in any building society designated under section one of the House Purchase and Housing Act, 1959 ;
- (t) in any units, or other shares of the investments subject to the trusts, of a unit trust scheme in the case of which there is in force at the time of investment an order of the Board of Trade under section seventeen of the Prevention of Fraud (Investments) Act, 1958, or of the Ministry of Commerce for Northern Ireland under section sixteen of the Prevention of Fraud (Investments) Act (Northern Ireland), 1940 ;
- (u) in any investment fund or deposit fund constituted under the Church Funds Investment Measure, 1958 ;

and the Board may from time to time vary such investments.

(2) The Board may retain any investment given to them by way of legacy or otherwise notwithstanding that it is not an investment specified in the last foregoing subsection.

(3) Not more than one-half of the property of any fund administered by the Board, as valued at the date of acquisition thereof, may at any time be invested in any of the securities mentioned in paragraphs (r), (s) or (t) of subsection (1) of this section ; and for the purposes of this subsection the value of property at the date of the acquisition thereof means :—

- (a) if the property was acquired by purchase, the purchase price thereof ;
- (b) if the property was acquired by gift, *inter vivos*, the value of the property as valued by a person who in the opinion of the Board is qualified to value that property ; and
- (c) if the property was acquired under a testamentary disposition, the value thereof for probate purposes.

(4) The securities mentioned in subsection (1) of this section do not include any securities where the holder can be required to accept repayment of the principal, or the payment of any interest, otherwise than in sterling.

(5) The securities mentioned in paragraphs (a) to (j) of the said subsection (1), other than Treasury Bills or Tax Reserve Certificates, securities issued before the passing of the Trustee Investments Act, 1961, by the Government of the Isle of Man, securities falling within paragraph (f) thereof issued before the passing of the said Act, or securities falling within paragraph (k) thereof, and the securities mentioned in paragraph (r) of that subsection do not include—



- (a) securities the price of which is not quoted on a recognised stock exchange within the meaning of the Prevention of Fraud (Investments) Act, 1958, or the Belfast Stock Exchange ;
- (b) shares or debenture stock not fully paid up (except shares or debenture stock which by the terms of issue are required to be fully paid up within nine months of the date of issue).

(6) The securities mentioned in paragraphs (h) and (r) of the said subsection (1) do not include—

- (a) shares or debentures of an incorporated company of which the total issued and paid up share capital is less than one million pounds ;
- (b) shares or debentures of an incorporated company which has not in each of the five years immediately preceding the calendar year in which the investment is made paid a dividend on all the shares issued by the company, excluding any shares issued after the dividend was declared and any shares which by their terms of issue do not rank for the dividend for that year.

For the purposes of paragraph (b) of this subsection a company formed—

- (i) to take over the business of another company or other companies, or
- (ii) to acquire the securities of, or control of, another company or other companies,

or for either of these purposes and for other purposes shall be deemed to have paid a dividend as mentioned in that paragraph in any year in which such a dividend has been paid by the other company or all the other companies, as the case may be.

(7) Paragraph (k) of the said subsection (1) applies to the following authorities, that is to say—

- (a) any local authority in the United Kingdom ;
- (b) any authority all the members of which are appointed or elected by one or more local authorities in the United Kingdom ;
- (c) any authority the majority of the members of which are appointed or elected by one or more local authorities in the United Kingdom, being an authority which by virtue of any enactment has power to issue a precept to a local authority in England and Wales, or a requisition to a local authority in Scotland, or to the expenses of which, by virtue of any enactment, a local authority in the United Kingdom is or can be required to contribute ;

(d) the Receiver for the Metropolitan Police District or a combined police authority (within the meaning of the Police Act, 1946) ;

(e) the Belfast City and District Water Commissioners.

(8) In this section, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

“ debenture ” includes debenture stock and bonds, whether constituting a charge on assets or not and loan stock or notes ;

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

“ fixed-interest securities ” means securities which under their terms of issue bear a fixed rate of interest ;

“ local authority ” in relation to the United Kingdom means any of the following authorities :

(a) in England and Wales, the council of a county, a county, metropolitan or other borough (including a borough which has been included in a rural district), an urban or rural district or a parish, the Common Council of the City of London and the Council of the Isles of Scilly ;

(b) in Scotland, a local authority within the meaning of the Local Government (Scotland) Act, 1947 ;

(c) in Northern Ireland, the council of a county, a county or other borough, or an urban or rural district ;

“ ordinary deposits ” and “ special investment ” have the same meanings respectively as in the Trustee Savings Banks Act, 1954 ;

“ property ” includes real or personal property of any description, but does not include any land or building used for the purposes of a home of residence under section twenty-six of this Measure ;

“ securities ” includes shares, debentures, Treasury Bills and Tax Reserve Certificates ;

“ share ” includes “ stock ” ;

“ Treasury Bills ” includes Exchequer Bills and other bills issued by Her Majesty’s Government in the United Kingdom and Northern Ireland Treasury Bills.

(9) References in this section to an incorporated company are references to a company incorporated by or under any enactment and include references to a body of persons established for the purpose of trading for profit and incorporated by Royal Charter.

(10) References in this section to an overseas territory or to a government of such territory shall be construed as if they occurred in the Overseas Service Act, 1958, and references in this section to a territory within the Commonwealth shall be construed as if this section were existing law within the meaning of the Republic of South Africa (Temporary Provisions) Act, 1961.

33. The conferment of powers on the Board by this Measure shall not be regarded as giving authority for any transaction to be entered into without the sanction of an Order of the Court or of the Charity Commissioners for England and Wales which would otherwise be required under section twenty-nine of the Charities Act, 1960.

Preservation of restrictions on certain transactions.

In this section the expression "the Court" has the same meaning as in the said Act.

*Audit of accounts of pensions funds, etc.*

34.—(1) The Treasury shall from time to time appoint an auditor to audit the accounts of any fund or trust administered by the Board, other than any fund of the Clergy Pensions Institution, and the auditor shall be paid such remuneration by the Board and hold office for such period, as the Treasury may direct.

Audit of accounts of pensions funds, etc.

(2) The auditor so appointed shall audit the said accounts at such times, and make reports to the Church Assembly upon the accounts audited by him in such form, as the Treasury may direct.

(3) The Board shall present annually to the Church Assembly a report with respect to any such fund or property as aforesaid.

(4) On the thirty-first day of December, nineteen hundred and sixty-four, and at the expiration of every period of five years from that day, there shall be a valuation of the Clergy (Widows and Dependants) Pensions Fund by an actuary, and a report thereon shall be presented to the Church Assembly.

PART IV

MISCELLANEOUS AND GENERAL

*Provisions as to payment of pensions*

35.—(1) Subject to the provisions of this Measure, every pension under this Measure or under any Measure repealed by this Measure shall accrue from day to day and shall be payable (subject to any necessary apportionment) by equal quarterly instalments on the first day of January, the first day of April, the first day of July and the first day of October in each year; and if the person entitled to the pension so requests, the Commissioners or the Board, as the case may be, shall have power

Provisions as to payment of pensions.

to make, at such times before the end of each quarter as they may determine, payments of such part of those instalments as they may determine.

(2) A pension under this Measure shall be incapable of being assigned, charged or anticipated and shall not pass to any trustee in bankruptcy; and any purported assignment of or charge upon such a pension shall be void:

Provided that a person in receipt of any such pension may, if of full age and of sound mind, by an instrument in writing signed by him and delivered to the Board, renounce his pension or any part thereof and upon such renunciation the pension shall determine accordingly in whole or in part.

(3) Every pension payable under Part II of this Measure for the benefit of a child of a deceased clerk shall be paid by the Board to the parent or guardian of that child, or to such other person under whose care or with whom the child may from time to time reside as the Board may think fit, and the person to whom the pension is paid may at his discretion pay the whole or any part thereof to the child for his absolute use and benefit and, where the whole pension is not paid to the child, shall apply the pension or the remainder, as the case may be, towards the maintenance, education or benefit of the child in such manner as he may think fit.

(4) Where there are any arrears of contributions or other payments due under this Measure or any Measure repealed by this Measure, or under any agreement made under this Measure or under any Measure repealed by this Measure, to the Board or to the Commissioners from the clerk to whom the pension is payable or, in the case of a pension payable to a widow, child or dependant of a deceased clerk, from the estate of that deceased clerk:—

- (a) no instalment of that pension shall be paid to any person, or applied under the provisions of the next following section, if and so long as there are any such arrears; and
- (b) that pension shall be retained for such period as may be necessary and shall be applied in discharging the said arrears, together with interest at the rate of five per cent. per annum calculated from the respective dates upon which the contributions or payments in arrear were due:

Provided that—

- (i) in the case of a pension payable to a widow, child or dependant of a deceased clerk, the Board may waive wholly or partly their right to recover any such arrears as aforesaid from the estate of that clerk or to recover

those arrears by retaining instalments of pension under the foregoing provisions of this subsection, and

- (ii) where instalments of pension payable under this Measure to more than one person are retained, the burden of the retentions shall be distributed rateably among those persons in proportion to the amounts of those pensions.

**36.**—(1) Where the Board are satisfied after considering medical evidence that a person to whom a pension is payable under this Measure (in this section referred to as a “pensioner”) 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 Board may pay, or may authorise the Commissioners to pay, the pension or such part thereof as the Board think fit to the institution or person having the care of the pensioner, to be applied for his benefit, and the Board may pay, or may authorise the Commissioners to pay, the remainder (if any) or such part thereof as the Board think fit:—

Provisions as to pensions payable to persons suffering from mental disorder.

- (a) to or for the benefit of persons who appear to the Board to be members of the pensioner’s family or other persons for whom the pensioner 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 pensioner’s debts (whether legally enforceable or not) or for the maintenance or other benefit of the pensioner or such persons as are mentioned in the last foregoing paragraph.

(2) Not less than fourteen days before exercising for the first time in relation to any pensioner their powers under this section, the Board shall give to the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, notice in writing of their intention specifying the name and address of the pensioner and the amount of the sum in respect of which the Board intend to exercise those powers, and the Board shall at the same time give notice in writing to the pensioner in a form approved by the said authority:

Provided that the Board may, with the approval of the said authority, exercise their powers under this section in respect of any pensioner notwithstanding that the said period of fourteen days has not expired.

(3) If at any time the authority having jurisdiction under Part VIII of the Mental Health Act, 1959, give to the Board notice in writing that they object to the exercise by the Board of the said powers in relation to any pensioner, those powers shall as from the date of receipt of the notice by the Board

cease to be exercisable by them in relation to that pensioner unless and until the said authority withdraws the notice.

Exclusion of certain clerks from provisions of Measure.

**37.—**(1) The Board shall have power to exclude from the provisions of this Measure any clerk who first begins to perform pensionable service after attaining the age of sixty years and who makes an application to the Board to be so excluded.

(2) The Board shall have the power to exclude from the provisions of this Measure any clerk who proves to the satisfaction of the Board that he is entitled under any pension or superannuation scheme other than that established by this Measure or the National Insurance Acts, 1946 to 1960, to benefits which give adequate provision for his maintenance on his retirement and for the maintenance of his widow in the event of his death.

(3) The Board shall have power to exclude from the provisions of this Measure any clerk who applies for exclusion on the ground that he is a member of a religious community the rules of which secure that its members shall be adequately provided for until death out of the funds of the community.

(4) Any clerk who immediately before the passing of this Measure was excluded from the provisions of the Clergy Pensions Measure, 1948, shall be excluded from the provisions of this Measure.

(5) Where any clerk is excluded from the provisions of this Measure by virtue of the foregoing provisions of this section, the Board may at any time agree to terminate that exclusion on such conditions as they think fit.

#### *Miscellaneous*

Determination of questions.

**38.—**(1) Subject to the provisions of this Measure, if any question arises:—

- (a) whether any clerk is performing or has performed pensionable service,
- (b) as to the length of the qualifying period of pensionable service performed by any clerk or the date on which the qualifying period terminated,
- (c) whether a clerk satisfies any other conditions laid down for receipt of a pension under Part I of this Measure or the terms and conditions upon which his pension is granted or agreed to be paid,
- (d) whether a clerk has retired or on what date he retired,
- (e) as to the rate at which a pension is to be paid and whether any deductions are to be made therefrom in respect of arrears of contributions,
- (f) as to the right of a clerk to a repayment of any contributions paid by him, or

- (g) as to the rights of a widow, child or dependant of a clerk, or of the clerk himself, under Part II of this Measure (including the question whether any person is a dependant of a clerk),

it shall be decided by the Board at a meeting specially convened for that purpose.

(2) Before giving a decision under this section the Board shall give the clerk or other person concerned, or his agent, an opportunity of being heard.

(3) Any person aggrieved by a decision of the Board under this section, may, within such limits of time and in such manner as may be laid down by Rules of Court, appeal from that decision to the High Court, and the decision of that Court on any such appeal shall be final.

(4) The Arbitration Act, 1950, shall not apply to any proceedings under this section.

**39.—**(1) The Clergy Pensions Institution (in this section referred to as “the Institution”) shall continue to be an incorporated company, subject to the following provisions:—

Clergy Pensions Institution.

- (a) the undertaking of the Institution shall be continued solely for the purpose of fulfilling the engagements and liabilities of the Institution existing on the thirty-first day of December, nineteen hundred and twenty-six, in accordance with the rules of the several funds of the Institution (in this section referred to as “the rules”) as modified by this Measure ;
- (b) the members for the time being of the Board shall be the members of the Institution ;
- (c) all powers vested in the directors under the memorandum and articles of association of the Institution and the rules shall be vested in and exercisable by the Board ; and
- (d) no person shall be admitted as a beneficiary of the Institution.

(2) The engagements and liabilities of the Institution shall be fulfilled in accordance with the following provisions, that is to say :—

- (a) any augmentation granted under the rules to beneficiaries who were beneficiaries but not pensioners on the thirtieth day of June, nineteen hundred and twenty-six, shall be granted on the basis of the rates of augmentation adopted by the Institution, and the conditions governing the grant of augmentation, in the year nineteen hundred and twenty-four being applicable to them ;

- (b) compound interest at the rate of three and one-quarter per cent. per annum shall, as from the passing of this Measure, be paid or credited to any beneficiary who is performing pensionable service upon any contributions to the annuity fund of the Institution in any case where under the rules compound interest at the rate of two and one-half per cent. would have been paid or credited ;
- (c) a beneficiary who is performing pensionable service shall not be required to pay any further contributions to the annuity fund of the Institution, and any such beneficiary receiving a repayment of contributions or reducing or discontinuing the contributions shall, notwithstanding the repayment, reduction or discontinuance, be entitled to receive the same augmentation as he would have received if that repayment, reduction or discontinuance had not been effected ;
- (d) the general fund of the Commissioners shall stand charged by way of guarantee with the payment of all annuities, augmentation and other sums from time to time payable under the rules as modified by this Measure and upon the winding up of the Institution, with the payment of the debts and liabilities of the Institution and of the costs, charges and expenses of the winding up ;
- (e) as from the passing of this Measure interest shall be credited at the rate of three and one-quarter per cent. per annum upon the amount held by the Institution at the disposal of each diocesan committee.

(3) At the expiration of every period of five years calculated from the thirty-first day of December, nineteen hundred and fifty-six, a valuation of the assets and liabilities of the Institution shall be made by an actuary, and if, upon such a valuation, it shall appear, and if the actuary shall certify, that the assets of the Institution after providing such reserves as the actuary may think proper, are more than sufficient to discharge the liabilities imposed thereon, so as to render available a surplus of an amount to be specified in the actuary's certificate, that surplus shall be paid and transferred by the Institution to the Clergy Pensions Augmentation Fund.

(4) If upon the winding up or dissolution of the Institution there remains after satisfaction of all its debts and liabilities any property whatsoever, that property shall be transferred to the Clergy Pensions Augmentation Fund.

(5) A copy of this section shall be embodied in every copy of the memorandum of association of the Institution issued after the passing of this Measure.



(6) Any moneys forming part of the funds of the Clergy Pensions Institution may at the discretion of the Institution:—

- (a) be invested in any manner specified in section thirty-two of this Measure; and
- (b) be advanced by way of loan to any beneficiary of the Institution upon the security of any sum which under the rules of the several funds of the Institution is standing to his credit.

The powers contained in this subsection shall be in addition to the powers referred to in paragraph (c) of subsection (1) of this section.

40.—(1) In every diocese the diocesan board of finance shall appoint a diocesan widows and dependants committee, which may include representatives of charities of which widows and dependants of deceased clerks of the diocese are beneficiaries. Diocesan widows and dependants committees.

(2) A diocesan widows and dependants committee shall watch over the interests of the widows and dependants of deceased clerks of the diocese for which the committee is appointed.

(3) In every diocese the diocesan board of finance shall appoint an officer or officers whose duty it shall be:—

- (a) to bring before the diocesan widows and dependants committee information as to the circumstances of widows and dependants of deceased clerks of the diocese and to make any proper representations on their behalf to the committee, and
- (b) to inform those widows and dependants of their rights under this Measure and of any action taken or proposed to be taken by the committee on their behalf.

41.—(1) The Board may, on such terms as the Commissioners may approve, enter into reciprocal arrangements with the authority controlling and administering any pensions scheme providing for pensions for the clergy, or widows, children or dependants of the clergy, of any church to which this section applies, and any such arrangements may provide that:— Reciprocal arrangements with other Churches.

- (a) any clerk who, after performing pensionable service within the meaning of this Measure, begins to minister in any church to which this section applies may, if the Board so determine, be transferred to the pensions scheme of that church; and
- (b) any clerk who, after ministering in any church to which this section applies, begins to perform pensionable service within the meaning of this Measure may retain for himself or his widow, children or dependants, in such manner and to such extent as the reciprocal

arrangements may provide, any right to or expectation of a pension which he may have already acquired for himself or his widow, children or dependants:

Provided that no claim in respect of a pension payable by virtue of an agreement under section fifteen of this Measure shall be transferred to any other pensions scheme without the consent of the clerk who entered into the agreement.

(2) A clerk transferred under this section to the pensions scheme of a church to which this section applies shall, as from the date of transfer, cease to have any right or claim to receive at any time a pension or a return of contributions under this Measure, and his widow, children and dependants shall also cease to have any right to receive at any time a pension under this Measure, so, however, that the Board shall have power, on such terms and conditions as the Board may think expedient, to restore to the clerk the rights which he previously had under this Measure.

(3) This section shall apply to any Church or organised body of clergy recognised by the Archbishop of Canterbury for the purposes of this section.

Reciprocal  
arrangements  
with other  
pensions  
authorities.

42.—(1) The Board may, on such terms as the Commissioners may approve, enter into reciprocal arrangements with the authority controlling and administering any pensions scheme providing for pensions for persons in the service of the Crown, or of any government department or any public or local body, board or authority in England or elsewhere, or providing the pensions for the widows, children or dependants of such persons, and any such arrangements may provide that:—

- (a) any clerk who after performing pensionable service within the meaning of this Measure enters such service as aforesaid, may, if the Board so determine, be transferred to the pensions scheme of that other authority; and
- (b) any clerk who after being in such service as aforesaid begins to perform pensionable service within the meaning of this Measure may retain for himself or his widow, children or dependants, in such manner and to such extent as the reciprocal arrangements may provide, any right to or expectation of a pension which he may already have acquired for himself or for his widow, children or dependants:

Provided that no claim in respect of a pension payable by virtue of an agreement under section fifteen of this Measure shall be transferred to any other pensions scheme without the consent of the clerk who entered into the agreement.

(2) A clerk transferred under this section to the pensions scheme of another authority shall, as from the date of transfer, cease to have any right to receive at any time a pension or a return of contributions under this Measure, and his widow, children and dependants shall also cease to have any right to receive at any time a pension under this Measure, so, however, that the Board shall have power, on such terms and conditions as the Board may think expedient, to restore to the clerk the rights which he previously held under this Measure.

**43.**—(1) The Commissioners may, if the Board request them so to do, deduct any contribution which a clerk is liable to pay under Part II of this Measure or under any Measure repealed by this Measure from any payment of stipend payable by them to that clerk, and the Commissioners shall pay any sum so deducted to the Board. Power to deduct contributions from stipend.

(2) Where any contribution is deducted (and paid to the Board under the last foregoing subsection the deduction and payment shall discharge:—

- (a) the clerk concerned from his liability to pay the contribution, and
- (b) the Commissioners from their liability to pay such part of the stipend of the clerk as is equal to the deducted contribution.

**44.** Any rate of interest specified in any provision of this Measure, other than section thirty-nine, may be altered by the Commissioners after consultation with the Board to such other rate as the Commissioners with the advice of an actuary and the approval of the Church Assembly given by resolution may from time to time determine. Alteration of rates of interest.

**45.** Any charge upon the revenues of a benefice created under the Incumbents Resignation Acts, 1871 and 1887, section two of the Clergy Pensions (Older Incumbents) Measure, 1930, or under section eight of the Clergy Pensions Measure, 1948, is hereby abolished. Abolition of charges.

**46.**—(1) In this Measure, except where the context otherwise requires, the following expressions have the meanings thereby assigned to them respectively, that is to say:— Interpretation.

- “actuary” means a Fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland employed by the Board for the purposes of this Measure;
- “bishop” includes an archbishop;
- “bishopric” includes an archbishopric;
- “the Board” means the Church of England Pensions Board;

- “ child ” includes a step-child and an adopted child ;
- “ church worker ” means any person (other than a clerk) who is or has been employed in spiritual or temporal work in connection with the Church of England ;
- “ clerk in Holy Orders ” means any bishop, priest or deacon of the Church of England ;
- “ the Commissioners ” means the Church Commissioners ;
- “ dependant ” shall have such meaning for the purposes of this Measure as the Board may determine for the purposes of each case having regard to all the circumstances ;
- “ diocesan bishop ” means the bishop of any diocesan bishopric in England, whether created before or after the passing of this Measure, including the bishopric of Sodor and Man ;
- “ ecclesiastical service ” means service rendered under the direction of a diocesan bishop or carried on in furtherance of the spiritual or administrative work of the Church of England and recognised as such by a diocesan bishop ;
- “ Episcopal Pensions Measures ” means the Episcopal Pensions Measure, 1926, the Episcopal Pensions (Sodor and Man) Measure, 1931, and the Episcopal Pensions Measure, 1945, as amended by the Bishops (Retirement) Measure, 1951 ;
- “ pensionable service ” has the meaning assigned to it by section one of this Measure ;
- “ qualifying period of pensionable service ” has the meaning assigned to it by the said section one ;
- “ retiring age ” means the age of seventy years or such other age as the Church Assembly may by resolution from time to time determine ;
- “ stipend ” includes salary and other emoluments ;
- “ suffragan bishop ” means the bishop of any suffragan bishopric in England, whether created before or after the passing of this Measure.

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

Consequential  
amendments  
of Measures.

**47.** The Measures specified in the first column of the Second Schedule to this Measure shall have effect subject to the amendments specified in the second column of that Schedule, being amendments required in consequence of the passing of this Measure.

**48.—(1)** The Acts and Measures specified in the Third Schedule to this Measure are hereby repealed. Repeals and consequential savings.

(2) Any application, claim, payment, agreement, arrangement, determination, order or Rules of Court made, or having effect as if made, direction, decision or notice given, or having effect as if given, or other thing done under any Act or Measure repealed by this Measure shall, if in force immediately before the passing of this Measure, continue in force and be deemed to have been made, given or done under the corresponding provisions of this Measure.

(3) Where any clerk has before the passing of this Measure performed a period of pensionable service as defined in section twenty-nine of the Clergy Pensions Measure, 1948, as amended by section fifteen of the Clergy Pensions Measure, 1954, that service shall be deemed to be pensionable service for the purposes of this Measure.

(4) The repeal of any Act or Measure by this Measure shall not affect any pension which has become payable under that Act or Measure before the passing of this Measure and, subject to the provisions of this Measure, any such pension shall continue to be payable in accordance with the provisions repealed by this Measure for the period for which it would have been payable if this Measure had not been passed.

(5) Any person who immediately before the passing of this Measure is holding any office by virtue of a Measure repealed by this Measure shall continue to hold his office as if he had been appointed or elected to that office under the corresponding provision of this Measure.

(6) Where a period of time specified in any Measure repealed by this Measure is current at the passing of this Measure, this Measure shall have effect as if the corresponding provision thereof had been in force when that period began to run.

(7) Any Act, Measure or document referring to any Act or Measure repealed by this Measure shall be construed as referring to the corresponding provision of this Measure.

(8) The mention of particular matters in this section shall not be taken as affecting the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

**49.** This Measure shall extend to:—

Extent.

(a) the whole of the Province of Canterbury with the exception of the Channel Islands ;

(b) the whole of the Province of York, including the Isle of Man ; and

(c) the collegiate churches of Westminster and Windsor :

Provided that this Measure may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measures, 1931 and 1957, or either of them, in accordance with the provisions of those Measures.

**Short title.** 50. This Measure may be cited as the Clergy Pensions Measure, 1961.

## SCHEDULES

**Section 1.**

### FIRST SCHEDULE

#### RATES OF PENSION UNDER SECTION ONE

##### PART I

##### *Rate where clerk retires at or above the retiring age*

1. The rate of pension of a clerk who retires at or above the retiring age, after having performed a qualifying period of pensionable service of 40 years or more, shall be at the rate specified in the following table in relation to the last office held by the clerk within the area to which this Measure applies:—

| <i>Office</i>                                                                           | <i>Rate</i><br>£ |
|-----------------------------------------------------------------------------------------|------------------|
| Archbishops of Canterbury and York ... ..                                               | 2,000            |
| Bishops of London, Durham and Winchester ...                                            | 1,750            |
| Diocesan bishops other than those previously mentioned in this table ... ..             | 1,250            |
| Suffragan bishops ... ..                                                                | 900              |
| Deans and provosts of cathedral churches and the Deans of Westminster or Windsor ... .. | 700              |
| Archdeacons ... ..                                                                      | 600              |
| Any clerks other than those previously mentioned in this table ... ..                   | 400              |

Provided that where a clerk has at any time held within the area to which this Measure applies an office in relation to which the rate of pension specified in the foregoing table is at a higher rate than that specified in relation to the last office held by him within that area, the clerk shall be paid a pension at that higher rate.

2. Where the qualifying period of pensionable service performed by a clerk is less than 40 years, the rate of pension shall be calculated

by adding together for each complete year of pensionable service one-fortieth of the pension to which he would have been entitled under the foregoing paragraph if he had performed 40 years' pensionable service; and where the qualifying period of pensionable service comprises a broken part of a year the rate shall be increased by adding in respect of each complete month in the broken part, one-twelfth of the amount payable in respect of a complete year.

1st SCH.

## PART II

### *Rate where clerk retires under the retiring age by reason of infirmity*

The rate of pension of a clerk who retires under the retiring age on the ground that he has become incapable through infirmity of performing the duties of his office shall be calculated by:—

- (a) ascertaining the rate of pension to which he would have been entitled under Part I of this Schedule if he had continued to perform pensionable service until the retiring age and had then retired, and
- (b) subtracting therefrom one per cent. thereof for each complete year by which his age at the date on which his pension begins to accrue is less than the retiring age.

## PART III

### *Rate where clerk retires not more than five years before reaching the retiring age otherwise than on grounds of infirmity*

The rate of pension of a clerk who retires before attaining the retiring age, but not more than five years before he would have attained that age (not being a clerk mentioned in Part II of this Schedule), shall be calculated by:—

- (a) ascertaining the rate of pension to which he would have been entitled under Part I of this Schedule if for the reference therein to the retiring age there were substituted a reference to his age at the date on which his pension begins to accrue, and
- (b) subtracting therefrom 5 per cent. thereof for each year or part of a year by which his age at the date on which his pension begins to accrue is less than the retiring age.

## Section 47.

## SECOND SCHEDULE

## MEASURES AMENDED

| <i>Measure Amended</i>                                                              | <i>Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The Church Dignitaries (Retirement) Measure, 1949. 12 &amp; 13 Geo. 6 No. 1.</p> | <p>In section three, for paragraph (a) of subsection (1) there shall be substituted the following paragraph:—</p> <p>“(a) shall be entitled to receive a pension under the Clergy Pensions Measure, 1961, at the rate specified in Part I of the First Schedule to that Measure if he has attained the retiring age within the meaning of that Measure or, if he has not attained that age, a pension at the rate specified in Part II of that Schedule”;</p> <p>and subsection (2) of that section shall cease to have effect.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>The Bishops (Retirement) Measure, 1951. 14 &amp; 15 Geo. 6 No. 2.</p>            | <p>For section two there shall be substituted the following section:—</p> <p>“2. A bishop whose bishopric is declared vacant under this Part of this Measure shall for the purposes of the Clergy Pensions Measure, 1961, be deemed to have retired by reason of infirmity on the date on which the declaration takes effect.”</p> <p>In section four, for the words from “shall be entitled” to the end of the section there shall be substituted the words “shall, if he has not attained the retiring age, be entitled to a pension under the Clergy Pensions Measure, 1961, of an amount equal to three-quarters of the pension to which he would have been entitled under that Measure if he had retired by reason of infirmity.”</p> <p>In section nine, in subsection (1) in paragraph (b), for the words “subsection (2) of section two or paragraph (b) of section three of the Episcopal Pensions Measure, 1945” there shall be substituted the words “the proviso to subsection (2) of section nine of the Clergy Pensions Measure, 1948, or under section twenty-one of that Measure.”</p> |



## THIRD SCHEDULE

Section 48.

## ENACTMENTS REPEALED

| <i>Session and Chapter</i>        | <i>Short Title</i>                                           |
|-----------------------------------|--------------------------------------------------------------|
| 34 & 35 Vict. c. 44 ...           | The Incumbents Resignation Act, 1871.                        |
| 35 & 36 Vict. c. 8 ...            | The Deans and Canons Resignation Act, 1872.                  |
| 50 & 51 Vict. c. 23 ...           | The Incumbents Resignation Act, 1871, Amendment Act, 1887.   |
| 16 & 17 Geo. 5. No. 7 ...         | The Episcopal Pensions Measure, 1926.                        |
| 20 & 21 Geo. 5. No. 6 ...         | The Clergy Pensions (Older Incumbents) Measure, 1930.        |
| 21 & 22 Geo. 5. No. 1 ...         | The Episcopal Pensions (Sodor and Man) Measure, 1931.        |
| 8 & 9 Geo. 6. No. 2 ...           | The Episcopal Pensions Measure, 1945.                        |
| 11 & 12 Geo. 6. No. 1 ...         | The Clergy Pensions Measure, 1948.                           |
| 15 & 16 Geo. 6 & 1 Eliz. 2 No. 1. | The Church of England Pensions Board (Powers) Measure, 1952. |
| 2 & 3 Eliz. 2. No. 4 ...          | The Clergy Pensions Measure, 1954.                           |

## TABLE OF ENACTMENTS REFERRED TO IN THIS MEASURE

| <i>Session and Chapter</i> | <i>Short Title</i>                                         |
|----------------------------|------------------------------------------------------------|
| 34 & 35 Vict. c. 44 ...    | The Incumbents Resignation Act, 1871.                      |
| 35 & 36 Vict. c. 8 ...     | The Deans and Canons Resignation Act, 1872.                |
| 50 & 51 Vict. c. 23 ...    | The Incumbents Resignation Act, 1871, Amendment Act, 1887. |
| 52 & 53 Vict. c. 63 ...    | The Interpretation Act, 1889.                              |
| 6 Edw. 7. c. 55 ...        | The Public Trustee Act, 1906.                              |
| 15 & 16 Geo. 5. c. 18 ...  | The Settled Land Act, 1925.                                |
| 15 & 16 Geo. 5. c. 19 ...  | The Trustee Act, 1925.                                     |
| 15 & 16 Geo. 5. c. 20 ...  | The Law of Property Act, 1925.                             |
| 15 & 16 Geo. 5. c. 23 ...  | The Administration of Estates Act, 1925.                   |
| 15 & 16 Geo. 5. c. 49 ...  | The Supreme Court of Judicature (Consolidation) Act, 1925. |
| 16 & 17 Geo. 5. No. 7 ...  | The Episcopal Pensions Measure, 1926.                      |
| 20 & 21 Geo. 5. No. 6 ...  | The Clergy Pensions (Older Incumbents) Measure, 1930.      |

| <i>Session and Chapter</i>         | <i>Short Title</i>                                                                |
|------------------------------------|-----------------------------------------------------------------------------------|
| 21 & 22 Geo. 5. No. 1 ...          | The Episcopal Pensions (Sodor and Man) Measure, 1931.                             |
| 21 & 22 Geo. 5. No. 4 ...          | The Channel Islands (Church Legislation) Measure, 1931.                           |
| 4 & 5 Geo. 6. c. 9 ...             | The Prevention of Fraud (Investments) Act (Northern Ireland), 1940.               |
| 8 & 9 Geo. 6. c. 42 ...            | The Water Act, 1945.                                                              |
| 8 & 9 Geo. 6. No. 2 ...            | The Episcopal Pensions Measure, 1945.                                             |
| 9 & 10 Geo. 6. c. 46 ...           | The Police Act, 1946.                                                             |
| 9 & 10 Geo. 6. c. 67 ...           | The National Insurance Act, 1946.                                                 |
| 10 & 11 Geo. 6. c. 43 ...          | The Local Government (Scotland) Act, 1947.                                        |
| 11 & 12 Geo. 6. No. 1 ...          | The Clergy Pensions Measure, 1948.                                                |
| 12 & 13 Geo. 6. c. 56 ...          | The National Insurance Act, 1949.                                                 |
| 12 & 13 Geo. 6. No. 1 ...          | The Church Dignitaries (Retirement) Measure, 1949.                                |
| 14 Geo. 6. c. 27 ...               | The Arbitration Act, 1950.                                                        |
| 14 & 15 Geo. 6. c. 34 ...          | The National Insurance Act, 1951.                                                 |
| 14 & 15 Geo. 6. No. 2 ...          | The Bishops (Retirement) Measure, 1951.                                           |
| 15 & 16 Geo. 6 & 1 Eliz. 2. No. 1. | The Church of England Pensions Board (Powers) Measure, 1952.                      |
| 1 & 2 Eliz. 2. c. 29 ...           | The National Insurance Act, 1953.                                                 |
| 2 & 3 Eliz. 2. c. 63 ...           | The Trustee Saving Banks Act, 1954.                                               |
| 2 & 3 Eliz. 2. No. 4 ...           | The Clergy Pensions Measure, 1954.                                                |
| 3 & 4 Eliz. 2. c. 29 ...           | The National Insurance Act, 1955.                                                 |
| 4 & 5 Eliz. 2. c. 47 ...           | The National Insurance Act, 1956.                                                 |
| 4 & 5 Eliz. 2. c. 50 ...           | The Family Allowances and National Insurance Act, 1956.                           |
| 4 & 5 Eliz. 2. c. 54 ...           | The Finance Act, 1956.                                                            |
| 5 & 6 Eliz. 2. c. 26 ...           | The National Insurance Act, 1957.                                                 |
| 5 & 6 Eliz. 2. c. 34 ...           | The National Health Service Contributions Act, 1957.                              |
| 5 & 6 Eliz. 2. c. 56 ...           | The Housing Act, 1957.                                                            |
| 6 Eliz. 2. c. 1 ...                | The National Insurance (No. 2) Act, 1957.                                         |
| 5 & 6 Eliz. 2. No. 1 ...           | The Channel Islands (Church Legislation) Measure, 1931 (Amendment) Measure, 1957. |
| 6 & 7 Eliz. 2. c. 14 ...           | The Overseas Service Act, 1958.                                                   |

| <i>Session and Chapter</i> | <i>Short Title</i>                                                 |
|----------------------------|--------------------------------------------------------------------|
| 6 & 7 Eliz. 2. c. 45       | ... The Prevention of Fraud (Investments) Act, 1958.               |
| 6 & 7 Eliz. 2. No. 1       | ... The Church Funds Investment Measure, 1958.                     |
| 7 & 8 Eliz. 2. c. 18       | ... The Family Allowances and National Insurance Act, 1959.        |
| 7 & 8 Eliz. 2. c. 33       | ... The House Purchase and Housing Act, 1959.                      |
| 7 & 8 Eliz. 2. c. 47       | ... The National Insurance Act, 1959.                              |
| 7 & 8 Eliz. 2. c. 72       | ... The Mental Health Act, 1959.                                   |
| 8 & 9 Eliz. 2. c. 58       | ... The Charities Act, 1960.                                       |
| 9 & 10 Eliz. 2. c. 5       | ... The National Insurance Act, 1960.                              |
| 9 & 10 Eliz. 2. c. 23      | ... The Republic of South Africa (Temporary Provisions) Act, 1961. |
| 9 & 10 Eliz. 2. c. 62      | ... The Trustee Investments Act, 1961.                             |



## 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 1961

[Note: Statute references in the fourth column are to chapters of 9 & 10 Eliz. 2 unless otherwise stated.]

| Session and<br>Chap. or No.<br>of Measure | Short title or Subject                                           | How affected                          | Chapter of 1961<br>Act or number<br>of Measure or<br>Statutory<br>Instrument |
|-------------------------------------------|------------------------------------------------------------------|---------------------------------------|------------------------------------------------------------------------------|
| 34 Edw. 1:<br>c. 5 ... ..                 | Ordinatio Foreste ...                                            | Rep. ... ..                           | 55, s. 9 (4), sch. 3<br>Pt. I                                                |
| c. 6 ... ..                               | Ordinatio Foreste ...                                            | Rep. in pt. ... ..                    | 55, s. 9 (4), sch. 3<br>Pt. I.                                               |
| — ... ..                                  | Prerogativa Regis (c. 17)                                        | Rep. in pt. ... ..                    | 55, s. 9 (4), sch. 3<br>Pt. I.                                               |
| 6 Hen. 8:<br>c. 15 ... ..                 | An Act avoiding second<br>letters patent granted<br>by the King. | Rep. ... ..                           | 55, s. 9 (4), sch. 3<br>Pt. I.                                               |
| 19 & 20 Car. 2:<br>c. 8 ... ..            | Dean Forest Act, 1667                                            | S. 6 rep. ... ..                      | 55, s. 9 (4), sch. 3<br>Pt. II.                                              |
| 12 & 13 Will. 3:<br>c. 2 ... ..           | Act of Settlement ...                                            | S. 3 expld. (retrosp.) ...            | 52, s. 36.                                                                   |
| 1 Ann.:<br>c. 1 ... ..                    | Crown Lands Act, 1702                                            | S. 5 excl. ... ..                     | 55, s. 1 (2).                                                                |
| 17 Geo. 2:<br>c. 38 ... ..                | Poor Relief Act, 1743 ...                                        | S. 13 rep. ( <i>prosp.</i> ) ...      | 45, s. 29 (2), sch.<br>5 Pt. III.                                            |
| 20 Geo. 2:<br>c. 50 ... ..                | Tenures Abolition Act,<br>1746.                                  | Ss. 14, 15 rep. ... ..                | 55, s. 9 (4), sch. 3<br>Pt. I.                                               |
| c. 51 ... ..                              | Sales to the Crown Act,<br>1746.                                 | Rep. ... ..                           | 55, s. 9 (4), sch. 3<br>Pt. I.                                               |
| 24 Geo. 2:<br>c. 40 ... ..                | Sale of Spirits Act, 1750                                        | S. 12 rep. in pt. (E.) ...            | 61, s. 38 (3), sch.<br>9 Pt. I.                                              |
| 14 Geo. 3:<br>c. 48 ... ..                | Life Assurance Act, 1774                                         | Excl. (E.) ... ..                     | 48, s. 41 (3).                                                               |
| 21 Geo. 3:<br>c. 49 ... ..                | Sunday Observance Act,<br>1780.                                  | Excl. (certain licensed<br>premises). | 61, ss. 8 (8), 9<br>(13).                                                    |

| Session and Chap. or No. of Measure | Short title or Subject                                                                                                                                                                                                                                                                                    | How affected                | Chapter of 1961 Act or number of Measure or Statutory Instrument |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|------------------------------------------------------------------|
| 39 & 40 Geo. 3:<br>c. 98 ... ..     | Accumulations Act, 1800                                                                                                                                                                                                                                                                                   | Rep. and superseded ...     | 57, a. 5.                                                        |
| 42 Geo. 3:<br>c. 116 ... ..         | Land Tax Redemption Act, 1802.                                                                                                                                                                                                                                                                            | Ss. 131 and 146 rep. in pt. | 55, ss. 9 (4), 10 (3), sch. 3 Pt. II.                            |
| 48 Geo. 3:<br>c. 72 ... ..          | Forest of Dean and New Forest(s) Act, 1808.                                                                                                                                                                                                                                                               | S. 6 rep. ... ..            | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| 52 Geo. 3:<br>c. 71 ... ..          | An Act for the better cultivation of navy timbers in the Forest of Woomer, in the County of Southampton.                                                                                                                                                                                                  | S. 3 rep. ... ..            | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| c. 72 ... ..                        | An Act for the better cultivation of navy timber in the Forest of Alice Holt, in the County of Southampton.                                                                                                                                                                                               | S. 4 rep. ... ..            | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| 53 Geo. 3:<br>c. 158... ..          | An Act for vesting in His Majesty certain parts of Windsor Forest in the County of Berks; and for inclosing the open commonable land within the said forest.                                                                                                                                              | Ss. 38-40 rep. ... ..       | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| 55 Geo. 3:<br>c. 138... ..          | An Act for vesting in His Majesty certain parts of the Forest of Exmoor in the Counties of Somerset and Devon; and for inclosing the said forest.                                                                                                                                                         | Ss. 67-69 rep. ... ..       | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| c. 190... ..                        | An Act to amend an Act made in the forty-eighth year of His present Majesty, to improve the land revenue of the Crown, so far as relates to the Great Forest of Brechnock in the County of Brechnock; and for vesting in His Majesty certain parts of the said forest; and for inclosing the said forest. | Ss. 2-4 rep. ... ..         | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| 56 Geo. 3:<br>c. 98 ... ..          | Consolidated Fund Act, 1816.                                                                                                                                                                                                                                                                              | S. 22 excl. ... ..          | 15, s. 28 (1), sch.                                              |

| Session and Chap. or No. of Measure | Short title or Subject                                                                                                                                                                                                        | How affected                                                                         | Chapter of 1961 Act or Number of Measure or Statutory Instrument |
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| 59 Geo. 3:<br>c. 76 ... ..          | Bank of England Act, 1819.                                                                                                                                                                                                    | S. 2 excl.... ..                                                                     | 15, s. 8 (3).                                                    |
| c. 94 ... ..                        | Crown Land Act, 1819...                                                                                                                                                                                                       | Rep., exc. Scot.... ..                                                               | 55, s. 9 (4), sch. 3 Pt. I.                                      |
| 6 Geo. 4:<br>c. 17 ... ..           | Crown Lands Act, 1825                                                                                                                                                                                                         | Rep. ... ..                                                                          | 55, s. 9 (4), sch. 3 Pt. I.                                      |
| 7 Geo. 4:<br>c. 77 ... ..           | A title which begins with the words "An Act to extend to Charing Cross" and ends with the words "to enable the Commissioners of His Majesty's Woods, Forests and Land Revenue to grant leases of the side of Carlton Palace". | Ss. 77-79 rep. ... ..                                                                | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| 10 Geo. 4:<br>c. 50 ... ..          | Crown Lands Act, 1829                                                                                                                                                                                                         | Rep. (with saving for ss. 71-2, 127) exc. so far as ss. 100-105 cont.                | 55, s. 9 (3) (4), schs. 2 paras. 2, 3 (1), 5 (5), 3 Pt. II.      |
| 1 & 2 Will. 4:<br>c. 32 ... ..      | Game Act, 1831 ... ..                                                                                                                                                                                                         | S. 9 rep. in pt. ... ..                                                              | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| 2 & 3 Will. 4:<br>c. 1 ... ..       | Crown Lands Act, 1832                                                                                                                                                                                                         | Rep. ... ..                                                                          | 55, ss. 1 (2), 9 (4), sch. 3 Pt. II.                             |
| c. 75 ... ..                        | Anatomy Act, 1832 ... ..                                                                                                                                                                                                      | Excl. (E.) (S.) ... ..<br>S. 13 am. (E.) (S.) ... ..<br>S. 15 saved (E.) (S.) ... .. | 54, s. 2 (1).<br>54, s. 3.<br>54, s. 2 (1).                      |
| c. 112... ..                        | Crown Lands (Scotland) Act, 1832.                                                                                                                                                                                             | Rep. ... ..                                                                          | 55, ss. 1 (2), 9 (4), sch. 3 Pt. II.                             |
| 3 & 4 Will. 4:<br>c. 69 ... ..      | Crown Lands (Scotland) Act, 1833.                                                                                                                                                                                             | Rep. (with saving for ss. 4, 8, 9, 19) exc. so far as ss. 7, 8 cont.                 | 55, ss. 1 (2), 9 (3) (4), schs. 2 paras. 2 (b), 3, 5, 3 Pt. II.  |
| c. 99 ... ..                        | Fines Act, 1833... ..                                                                                                                                                                                                         | Ss. 12, 13 rep. ... ..                                                               | 55, s. 9 (4), sch. 3 Pt. I.                                      |
| 5 & 6 Will. 4:<br>c. 58 ... ..      | Crown Lands (Scotland) Act, 1835.                                                                                                                                                                                             | S. 1 (and preamble) rep.                                                             | 55, ss. 1 (2), 9 (4), sch. 3 Pt. II.                             |
| c. 62 ... ..                        | Statutory Declarations Act, 1835.                                                                                                                                                                                             | S. 2 rep. in pt. ... ..                                                              | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| 6 & 7 Will. 4:<br>c. 19 ... ..      | Durham (County Palatine) Act, 1836.                                                                                                                                                                                           | Ss. 1 rep. in pt., 9 rep....                                                         | 55, s. 9 (4), sch. 3 Pt. I.                                      |
| c. 28 ... ..                        | Government Offices Security Act, 1836.                                                                                                                                                                                        | Ss. 1-3, 5, 7, 8, 10, sch. all rep. in pt.                                           | 55, s. 9 (4), sch. 3 Pt. I.                                      |

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| 6 & 7 Will 4.<br>c. 49 ... ..           | An Act to enable the Master of the Rolls to demise part of the Rolls Estate to the Society of Judges and Sergeants. | Rep. ... ..                              | 55, s. 9 (4), sch. 3 Pt. I.                                      |
| 7 Will. 4 &<br>1 Vict.:<br>c. 46 ... .. | Rolls Estate Act, 1837...                                                                                           | Ss. 1, 2, 5, sch. (and preamble) rep.    | 55, s. 9 (4), sch. 3 Pt. I.                                      |
| 1 & 2 Vict.:<br>c. 42 ... ..            | Dean Forest (Encroachments) Act, 1838.                                                                              | Ss. 5, 13 rep. ... ..                    | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| c. 61 ... ..                            | Government Offices Security Act, 1838.                                                                              | Ss. 1, 2 rep. in pt. ...                 | 55, s. 9 (4), sch. 3 Pt. I.                                      |
| 4 & 5 Vict.:<br>c. 40 ... ..            | A title which begins with the words "An Act to empower" and ends with the words "City of London".                   | Rep. ... ..                              | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| 5 Vict.:<br>c. 1 ... ..                 | Crown Lands Act, 1841                                                                                               | Rep. ... ..                              | 55, ss. 1 (2), 9 (4), sch. 3 Pt. II.                             |
| 5 & 6 Vict.:<br>c. 44 ... ..            | Licensing Act, 1842 ...                                                                                             | S. 5 (and preamble) rep.                 | 61, s. 38 (3), sch. 9 Pt. I.                                     |
| c. 94 ... ..                            | Defence Act, 1842 ...                                                                                               | S. 40 rep. ... ..                        | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| 6 & 7 Vict.:<br>c. 36 ... ..            | Scientific Societies Act, 1843.                                                                                     | Rep. (E.) (saving) ( <i>prosp.</i> )     | 45, ss. 12 (1) (2) (4), 29 (2), sch. 5 Pt. I.                    |
| 7 & 8 Vict.:<br>c. 1 ... ..             | A title which begins with the words "An Act to enlarge" and ends with the words "City of London".                   | Rep. ... ..                              | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| c. 89 ... ..                            | Commissioners of Woods (Audit) Act, 1844.                                                                           | Rep. ... ..                              | 55, s. 9 (4), sch. 3 Pt. I.                                      |
| 8 & 9 Vict.:<br>c. 18 ... ..            | Lands Clauses Consolidation Act, 1845.                                                                              | S. 85 excl. ... ..                       | 33, s. 32 (1).                                                   |
| c. 99 ... ..                            | Crown Lands Act, 1845                                                                                               | Rep. ... ..                              | 55, ss. 1 (2), 9 (4), sch. 3 Pt. II.                             |
| c. 109 ... ..                           | Gaming Act, 1845 ...                                                                                                | S. 13 am. ... ..                         | 61, s. 23 (3).                                                   |
| 9 & 10 Vict.:<br>c. 93 ... ..           | Fatal Accidents Act, 1846                                                                                           | S. 1 am. (E. and N.I.) ( <i>prosp.</i> ) | 27, s. 3.                                                        |



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| 11 & 12 Vict.:<br>c. 102... ..      | Crown Lands Act, 1848                                                    | Rep. so far as unrep. ...                                                                     | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| 12 & 13 Vict.:<br>c. 45 ... ..      | Quarter Sessions Act, 1849.                                              | Ss. 12-14 excl. ... ..                                                                        | 48, s. 9 (4).                                                    |
| c. 96 ... ..                        | Admiralty Offences (Colonial) Act, 1849.                                 | Appl. (mod.) (Nyasaland)                                                                      | S.I. 1961/1189, art. 84.                                         |
| 14 & 15 Vict.:<br>c. 42 ... ..      | Crown Lands Act, 1851                                                    | Rep. exc. ss. 15, 21, 22, 23 and exc. sch. in pt. (so far as relating to 7 & 8 Vict., c. 60). | 55, ss. 1 (2), 9 (4), sch. 3 Pt. II.                             |
|                                     |                                                                          | S. 15 cont. ... ..                                                                            | 55, s. 9 (3), sch. 2 Pt. I para. 2.                              |
|                                     |                                                                          | S. 21 cont. ... ..                                                                            | 55, s. 9 (3), sch. 2 Pt. I.                                      |
|                                     |                                                                          | S. 22 cont. ... ..                                                                            | 55, s. 9 (3), sch. 2 Pt. I para. 1.                              |
|                                     |                                                                          | S. 22 rep. in pt. ... ..                                                                      | 55, s. 9 (4), sch. 3 Pt. II.                                     |
|                                     |                                                                          | ext. ... ..                                                                                   | 55, s. 7 (1).                                                    |
|                                     |                                                                          | S. 23 cont. ... ..                                                                            | 55, s. 9 (3), sch. 2 Pt. I para. 1.                              |
|                                     |                                                                          | Sch. cont. in pt. (so far as relating to 7 & 8 Vict., c. 60).                                 | 55, s. 9 (3), sch. 2 Pt. I para. 1.                              |
| c. 43 ... ..                        | An Act for disafforesting the Forest of Hainault in the County of Essex. | S. 12 rep. ... ..                                                                             | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| c. 46 ... ..                        | Crown Lands (Copyholds) Act, 1851.                                       | Rep. so far as unrep. ...                                                                     | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| c. 76 ... ..                        | New Forest Act, 1851 ...                                                 | S. 8 rep. ... ..                                                                              | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| c. 93 ... ..                        | Petty Sessions (Ireland) Act, 1851.                                      | S. 11 restr. ( <i>prosp.</i> ) ...                                                            | 39, ss. 20(1), 32(3), sch. 3 paras. 7, 23.                       |
| c. 99 ... ..                        | Evidence Act, 1851 ...                                                   | Ss. 7, 11 appl. (mod.) (Nyasaland) (Western Pacific)                                          | S.I. 1961/1189, art. 84.<br>S.I. 1961/1506, art. 15.             |
| 15 & 16 Vict.:<br>c. 62 ... ..      | Crown Lands Act, 1852                                                    | Rep. ... ..                                                                                   | 55, ss. 1 (2), 9 (4), sch. 3 Pt. II.                             |
| 16 & 17 Vict.:<br>c. 36 ... ..      | Whichwood Disafforesting Act, 1853.                                      | S. 29 rep. in pt. ... ..                                                                      | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| c. 42 ... ..                        | Whittlewood Disafforesting Act, 1853.                                    | S. 20 rep. in pt. ... ..                                                                      | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| c. 56 ... ..                        | Crown Lands Act, 1853                                                    | Ss. 5-8 (and preamble) rep.                                                                   | 55, ss. 1 (2), 9 (4), sch. 3 Pt. II.                             |
| 17 & 18 Vict.:<br>c. 94 ... ..      | Public Revenue and Consolidated Fund Charges Act, 1854.                  | Sch. (A) rep. in pt. ...                                                                      | 42, s. 8 (2), sch. 2.                                            |

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| 18 & 19 Vict.:                      |                                                                                                                                                                         |                                                                          |                                                                  |
| c. 16 ... ..                        | Crown Lands Act, 1855                                                                                                                                                   | Rep. ... ..                                                              | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| c. 46 ... ..                        | An Act for disafforesting the Forest of Woolmer.                                                                                                                        | S. 14 rep. ... ..                                                        | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| c. 99 ... ..                        | Turkish Loan Act, 1855                                                                                                                                                  | Rep. ( <i>prosp.</i> ) ... ..                                            | 36, ss. 36 (5), 37 (6), sch. 6 Pt. III.                          |
| c. 128... ..                        | Burial Act, 1855 ...                                                                                                                                                    | S. 15 rep. ( <i>prosp.</i> ) ...                                         | 45, ss. 10, 29 (2), sch. 5 Pt. I.                                |
| 19 & 20 Vict.:                      |                                                                                                                                                                         |                                                                          |                                                                  |
| c. 13 ... ..                        | An Act to make provision for the management of certain lands belonging to Her Majesty within the former limits of the late Forest of Delamere in the County of Chester. | Rep. ... ..                                                              | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| c. 113... ..                        | Foreign Tribunals Evidence Act, 1856.                                                                                                                                   | Appl. (mod.) (Nyasaland) (Western Pacific)                               | S.I. 1961/1189, art. 84.<br>S.I. 1961/1506, art. 15.             |
| 21 & 22 Vict.:                      |                                                                                                                                                                         |                                                                          |                                                                  |
| c. 45 ... ..                        | Durham County Palatine Act, 1858.                                                                                                                                       | Ss. 2 rep. in pt., 3 rep., 4 rep. in pt., 5, 6 rep. (and preamble rep.). | 55, s. 9 (4), sch. 3 Pt. I.                                      |
| c. 72 ... ..                        | Landed Estates Court (Ireland) Act, 1858.                                                                                                                               | Ss. 62 rep. in pt., 68 rep. in pt.                                       | 55, s. 9 (4), sch. 3 Pt. I.                                      |
| 22 Vict.:                           |                                                                                                                                                                         |                                                                          |                                                                  |
| c. 20 ... ..                        | Evidence by Commission Act, 1859.                                                                                                                                       | Appl. (mod.) (Nyasaland) (Western Pacific)                               | S.I. 1961/1189, art. 84.<br>S.I. 1961/1506, art. 15.             |
| c. 26 ... ..                        | Superannuation Act, 1859                                                                                                                                                | S. 17 expld. (Post Office)                                               | 15, s. 15 (1).                                                   |
| 22 & 23 Vict.:                      |                                                                                                                                                                         |                                                                          |                                                                  |
| c. 63 ... ..                        | British Law Ascertainment Act, 1859.                                                                                                                                    | Appl. (mod.) (Nyasaland) (Western Pacific)                               | S.I. 1961/1189, art. 84.<br>S.I. 1961/1506, art. 15.             |
| 23 & 24 Vict.:                      |                                                                                                                                                                         |                                                                          |                                                                  |
| c. 27 ... ..                        | Refreshment Houses Act, 1860.                                                                                                                                           | Ss. 1 rep., 6 rep. in pt. ...                                            | 61, s. 38 (3), sch. 9 Pt. I.                                     |
|                                     |                                                                                                                                                                         | S. 9 am. ... ..                                                          | 61, s. 3 (7), sch. 1 para. 1.                                    |
|                                     |                                                                                                                                                                         | ext. ... ..                                                              | 61, s. 3 (7), sch. 1 paras. 2, 3.                                |
|                                     |                                                                                                                                                                         | S. 18 am. ... ..                                                         | 61, s. 3 (7), sch. 1 para. 1.                                    |
|                                     |                                                                                                                                                                         | ext. ... ..                                                              | 61, s. 3 (7), sch. 1 paras. 2, 3.                                |
|                                     |                                                                                                                                                                         | S. 30 rep. ... ..                                                        | 61, s. 38 (3), sch. 9 Pt. I.                                     |
|                                     |                                                                                                                                                                         | S. 32 am. ... ..                                                         | 61, s. 3 (7), sch. 1 para. 1.                                    |
|                                     |                                                                                                                                                                         | ext. ... ..                                                              | 61, s. 3 (7), sch. 1 paras. 2, 3.                                |
|                                     |                                                                                                                                                                         | Ss. 33-38 rep., 41 rep. in pt., 42 rep.                                  | 61, s. 38 (3), sch. 9 Pt. I.                                     |
| c. 122... ..                        | Admiralty Offences (Colonial) Act, 1860.                                                                                                                                | Appl. (mod.) (Nyasaland)                                                 | S.I. 1961/1189, art. 84.                                         |

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| 24 & 25 Vict.:<br>c. 11 ... ..      | Foreign Law Ascertainment Act, 1861.                                                                                                                                                                                                                                              | Appl. (mod.)<br>(Nyasaland)<br>(Western Pacific)   | S.I. 1961/1189,<br>art. 84.<br>S.I. 1961/1506,<br>art. 15.                                  |
| c. 91 ... ..                        | Revenue (No. 2) Act, 1861.                                                                                                                                                                                                                                                        | S. 9 rep. in pt. (E.) ...                          | 61, s. 38 (3), sch. 9 Pt. I.                                                                |
| c. 96 ... ..                        | Larceny Act, 1861 ...                                                                                                                                                                                                                                                             | S. 23 excl. (E.) ... ..                            | 64, s. 74 (2).                                                                              |
| 25 & 26 Vict.:<br>c. 38 ... ..      | Sale of Spirits Act, 1862                                                                                                                                                                                                                                                         | Rep. (E.)... ..                                    | 61, s. 38 (3), sch. 9 Pt. I.                                                                |
| c. 107... ..                        | Juries Act, 1862... ..                                                                                                                                                                                                                                                            | S. 11 rep. in pt. ... ..<br>am. ... ..             | 15, ss. 18, 28 (1), sch.<br>15, s. 17.                                                      |
| 28 & 29 Vict.:<br>c. 63 ... ..      | Colonial Laws Validity Act, 1865. ... ..                                                                                                                                                                                                                                          | Excl. ... ..                                       | 16, s. 1 (2), sch. 2 para. 1.<br>1 (10 Eliz. 2), s. 1 (2), sch. 1 para. 1.                  |
| c. 77 ... ..                        | Public House Closing Act, 1865.                                                                                                                                                                                                                                                   | Rep. ... ..                                        | 61, s. 38 (3), sch. 9 Pt. I.                                                                |
| 29 & 30 Vict.:<br>c. 39 ... ..      | Exchequer and Audit Departments Act, 1866.                                                                                                                                                                                                                                        | S. 10 am. ... ..<br>S. 23 excl. ... ..             | 15, s. 28 (1), sch. 15, s. 28 (1), sch. 55, s. 9 (3) (4), schs. 2 Pt. II para. 4, 3 Pt. II. |
| c. 62 ... ..                        | Crown Lands Act, 1866                                                                                                                                                                                                                                                             | Rep. so far as unrep. (with saving for ss. 22-24). |                                                                                             |
| c. 70 ... ..                        | An Act to extend the provisions for the inclosure, exchange and improvement of land in certain portions of the Forest of Dean called Walmore Common and the Bearce Common, and for authorizing allotments in lieu of the forestal rights of Her Majesty in and over such commons. | S. 3 rep. ... ..                                   | 55, s. 9 (4), sch. 3 Pt. II.                                                                |
| 31 & 32 Vict.:<br>c. 37 ... ..      | Documentary Evidence Act, 1868.                                                                                                                                                                                                                                                   | Ext. ... ..                                        | 15, s. 23 (3).<br>55, s. 1 (7), sch. 1, para. 6.                                            |
| c. 45 ... ..                        | Sea Fisheries Act, 1868...                                                                                                                                                                                                                                                        | Sch. am. ... ..<br>S. 46 rep. in pt. ...           | 30, s. 4 (4).<br>55, s. 9 (4), sch. 3 Pt. I.                                                |
| c. 72 ... ..                        | Promissory Oaths Act, 1868.                                                                                                                                                                                                                                                       | Sch. Pt. I am. ... ..                              | 30, s. 2.                                                                                   |
| 32 & 33 Vict.:<br>c. 24 ... ..      | Newspapers, Printers, and Reading Rooms Repeal Act, 1869.                                                                                                                                                                                                                         | Mod. and saved ... ..<br>Sch. 2 rep. in pt. ...    | 31.<br>31, s. 1 (3).                                                                        |
| c. 40 ... ..                        | Sunday and Ragged Schools (Exemption from Rating) Act, 1869.                                                                                                                                                                                                                      | Rep. (E.) (saving) ( <i>prosp.</i> )               | 45, ss. 12 (1) (2) (4), 29 (2), sch. 5 Pt. I.                                               |

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| 32 & 33 Vict.:<br>c. 41 ... ..<br>c. 73 ... ..                                 | Poor Rate Assessment and Collection Act, 1869.<br>Telegraph Act, 1869 ...                                                                                            | Ss. 18 rep. ( <i>prosp.</i> ), 19 rep. in pt. ( <i>prosp.</i> )<br>Ss. 7 rep. in pt., 19 rep.                                      | 45, s. 29 (2), sch. 5 Pt. III.<br>15, s. 28 (1), sch.                                                                                                                             |
| 33 & 34 Vict.:<br>c. 23 ... ..<br>c. 52 ... ..                                 | Forfeiture Act, 1870 ...<br>Extradition Act, 1870 ...                                                                                                                | S. 1 rep. in pt. (E.) ...<br>Sch. 1 am. ... ..                                                                                     | 60, s. 3 (2), sch. 2.<br>60, ss. 2 (3), 3 (3), sch. 1. Pt. II.                                                                                                                    |
| 34 & 35 Vict.:<br>c. 36 ... ..<br>c. 44 ... ..<br>c. 112 ... ..                | Pensions Commutation Act, 1871.<br>Incumbents Resignation Act, 1871.<br>Prevention of Crimes Act, 1871.                                                              | Excl. ... ..<br>S. 2 expld. (supply services).<br>Rep. ... ..<br>S. 10 ext. (E.) ... ..                                            | S.I. 1961/294, 323, reg. 4, 391, reg. 4.<br>15, s. 15 (1).<br>C.A.M. No. 3, s. 48 (1), sch. 3.<br>61, s. 3 (10).                                                                  |
| 35 & 36 Vict.:<br>c. 8 ... ..<br>c. 15 ... ..<br>c. 94 .. ..                   | Deans and Canons Resignation Act, 1872.<br>Parks Regulation Act, 1872.<br>Licensing Act, 1872 ...                                                                    | Rep. ... ..<br>Appl. (mod.) ... ..<br>S.1 excl. ... ..<br>Ss. 27, 28, 46 rep. (E.) ...                                             | C.A.M. No. 3, s. 48 (1), sch. 3.<br>55, s. 6 (2).<br>55, s. 7 (4).<br>61, s. 38 (1), sch. 9 Pt. I.                                                                                |
| 36 & 37 Vict.:<br>c. 36 ... ..                                                 | Crown Lands Act, 1873                                                                                                                                                | Rep. so far as unrep. (with saving for s. 5)                                                                                       | 55, s. 9 (3) (4), schs. 2 Pt. II para. 5, 3 Pt. II.                                                                                                                               |
| 37 & 38 Vict.:<br>c. 94 ... ..                                                 | Conveyancing (Scotland) Act, 1874.                                                                                                                                   | S. 51 appl. (mod.) (Nyasaland).                                                                                                    | S.I. 1961/1189 art. 84.                                                                                                                                                           |
| 38 & 39 Vict.:<br>c. 28 ... ..<br>c. 41 ... ..<br>c. 55 ... ..<br>c. 83 ... .. | Metropolitan Police Staff (Superannuation) Act, 1875.<br>Intestates Widows and Children (Scotland) Act, 1875.<br>Public Health Act, 1875<br>Local Loans Act, 1875... | Excl. ... ..<br>S. 3 expld. ... ..<br>am. ... ..<br>S. 5 am. ... ..<br>expld. ... ..<br>S. 68 mod. ... ..<br>Power to apply (mod.) | S.I. No. 439, reg. 1.<br>37, s. 1 (2) (3)<br>37, s. 1 (1), sch. 1 para. 1 (1).<br>37, s. 1 (1), sch. para. 1 (2).<br>37, s. 1 (2) (3).<br>50, ss. 2 (2), 4 (1).<br>49, s. 41 (3). |
| 39 & 40 Vict.:<br>c. 20 ... ..<br>c. 24 ... ..<br>c. 73 ... ..                 | Statute Law Revision (Substituted Enactments) Act, 1876.<br>Small Testate Estates (Scotland) Act, 1876.<br>Pensions Commutation Act, 1876.                           | S. 5 rep. (E.) ... ..<br>S. 3 expld. ... ..<br>am. ... ..<br>S. 5 expld. ... ..<br>am. ... ..<br>Excl. ... ..                      | 61, s. 38 (3), sch. 9 Pt. I.<br>37, s. 1 (2) (3).<br>37, s. 1 (1), sch. 1 para. 2 (1).<br>37, s. 1 (2) (3).<br>37, s. 1 (1), sch. 1 para. 2 (2).<br>S.I. 1961/294, 323, 391.      |

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| 40 & 41 Vict.:<br>c. 2 ... ..<br>c. 59 ... ..                  | Treasury Bills Act, 1877<br>Colonial Stock Act, 1877                                                 | S. 6 excl. ... ..<br>Ext. ... ..                                                                                                                                                                                                                                            | 7, s. 2 (2).<br>12, s. 3 (2).<br>59, s. 2 (2).<br>S.I. 1961/2319.                                                                                                                                                                                                                         |
| 41 & 42 Vict.:<br>c. 49 ... ..                                 | Weights and Measures Act, 1878.                                                                      | Ext. (E.) (S.) ... ..                                                                                                                                                                                                                                                       | 34, s. 144 (1).                                                                                                                                                                                                                                                                           |
| 42 & 43 Vict.:<br>c. 19 ... ..<br>c. 73 ... ..                 | Habitual Drunkards Act, 1879.<br>Commissioners of Woods (Thames Piers) Act, 1879.                    | Ss. 3, 7 am. (N.I.) ... ..<br>Rep. ... ..                                                                                                                                                                                                                                   | 15 (N.I.), s. 116 (1), sch. 6.<br>55, s. 9 (4), sch. 3 Pt. I.                                                                                                                                                                                                                             |
| 44 & 45 Vict.:<br>c. 12 ... ..<br>c. 69 ... ..                 | Customs and Inland Revenue Act, 1881.<br>Fugitive Offenders Act, 1881.                               | S. 33 expld. ... ..<br>S. 33 (1) am. ... ..<br>rep. in pt. ... ..<br>S. 33 (2) am. ... ..<br>rep. in pt. ... ..<br>S. 34 (1) am. ... ..<br>rep. in pt. ... ..<br>Appl. (mod.) (Nyasaland) ... ..<br>Appl. (mod.) (W. Pacific) ... ..<br>Pt. II appl. (mod.) (Uganda) ... .. | 37, s. 1 (2).<br>37, s. 1 (1) sch. 1 para. 3 (1).<br>37, ss. 2, 3 (4) sch. 2.<br>37, s. 1 (1) sch. 1 para. 3 (2).<br>37, s. 3 (4), sch. 2.<br>37, s. 1 (1) sch. 1 para. 4.<br>37, s. 3 (4), sch. 2.<br>S.I. 1961/1189 art. 84.<br>S.I. 1961/1506, art. 16.<br>S.I. 1961/2272, arts. 2, 4. |
| 45 & 46 Vict.:<br>c. 19 ... ..<br>c. 44 ... ..                 | Interments (felo de se) Act, 1882.<br>Pensions Commutation Act, 1882.                                | Rep. ... ..<br>Excl. ... ..                                                                                                                                                                                                                                                 | 60, s. 3 (2) (3), sch. 2.<br>S.I. 1961/294, 323, 391.                                                                                                                                                                                                                                     |
| 46 & 47 Vict.:<br>c. 22 ... ..<br>c. 38 ... ..                 | Sea Fisheries Act, 1883<br>Trial of Lunatics Act, 1883.                                              | Appl. (mod.) ... ..<br>Rep. so far as unrep. (N.I.) ... ..                                                                                                                                                                                                                  | S.I. 1961/342.<br>15 (N.I.), s. 116 (2), sch. 7.                                                                                                                                                                                                                                          |
| 47 & 48 Vict.:<br>c. 54 ... ..<br>c. 55 ... ..<br>c. 71 ... .. | Yorkshire Registries Act, 1884.<br>Pensions and Yeomanry Act, 1884.<br>Intestates Estates Act, 1884. | S. 30 rep. (saving) ... ..<br>Excl. ... ..<br>Ss. 4, 6, 7 rep. so far as applying in N.I. to estates of persons dying after 1.1.1956.                                                                                                                                       | 55, s. 9 (4), sch. 3 Pt. II.<br>S.I. 1961/294, 323, 391, reg. 4.<br>55, s. 9 (4), sch. 3 Pt. I.                                                                                                                                                                                           |
| 48 & 49 Vict.:<br>c. 58 ... ..<br>c. 69 ... ..                 | Telegraph Act, 1885 ... ..<br>Criminal Law Amendment Act, 1885.                                      | S. 2 rep. in pt. (saving) am. ... ..<br>S. 5 (2) rep. in pt. (N.I.) ... ..                                                                                                                                                                                                  | 15, s. 28 (1), sch. 15, s. 17.<br>15 (N.I.), s. 116 (2), sch. 7.                                                                                                                                                                                                                          |

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| 48 & 49 Vict.—<br><i>cont.</i><br>c. 74 ... .. | Evidence by Commission Act, 1885.                      | Appl. (mod.) (Nyasaland)                                                                                                                                                                                                   | S.I. 1961/1189, art. 84.                                                                                                                                                                                                                                                                                |
| c. 79 ... ..                                   | Crown Lands Act, 1885                                  | Appl. (mod.) (Western Pacific).<br>Kep. so far as unrep. ...                                                                                                                                                               | S.I. 1961/1506, art. 15.<br>55, ss. 1 (2), 9 (4), sch. 3 Pt. II.                                                                                                                                                                                                                                        |
| 49 & 50 Vict.:<br>c. 29 ... ..                 | Crofters Holdings (Scotland) Act, 1886.                | Am. (meaning of registered landholder).                                                                                                                                                                                    | 58, s. 2 (7).                                                                                                                                                                                                                                                                                           |
| 50 & 51 Vict.:<br>c. 23 ... ..                 | Incumbents Resignation Act, 1871, Amendment Act, 1887. | Rep. ... ..                                                                                                                                                                                                                | C.A.M. No. 3, s. 48 (1), sch. 3.                                                                                                                                                                                                                                                                        |
| c. 24 ... ..                                   | Crofters Holdings (Scotland) Act, 1887.                | Am. (meaning of registered landholder).                                                                                                                                                                                    | 58, s. 2 (7).                                                                                                                                                                                                                                                                                           |
| c. 53 ... ..                                   | Escheat (Procedure) Act, 1887.                         | S. 2 (1) rep. in pt., 2 (3) rep.                                                                                                                                                                                           | 55, s. 9 (4), sch. 3 Pt. II.                                                                                                                                                                                                                                                                            |
| 51 & 52 Vict.:<br>c. 41 ... ..                 | Local Government Act, 1888.                            | S. 3 para. (xv) rep. in pt. ( <i>prosp.</i> )                                                                                                                                                                              | 45, s. 29 (2), sch. 5 Pt. I.                                                                                                                                                                                                                                                                            |
| c. 46 ... ..                                   | Oaths Act, 1888 ...                                    | Ext. ... ..                                                                                                                                                                                                                | 21.                                                                                                                                                                                                                                                                                                     |
| 52 & 53 Vict.:<br>c. 21 ... ..                 | Weights and Measures Act, 1889.                        | Ext. (E.) (S.) ... ..                                                                                                                                                                                                      | 34, s. 144 (1).                                                                                                                                                                                                                                                                                         |
| c. 63 ... ..                                   | Interpretation Act, 1889                               | S. 3 saved ... ..<br>S. 18 para. (3) restr. }<br>S. 33 saved (E.) (S.) ... }<br>S. 38 saved ... }<br>appl. ... ... }<br>S. 38 (2) appl. ... }                                                                              | 49, s. 21 (5).<br>16, s. 3 (1).<br>1 (10 Eliz. 2), s. 3 (1).<br>47, s. 3 (6).<br>27, s. 14 (3) proviso.<br>33, s. 40 (4).<br>34, s. 183 (1), sch. 6, para. 8.<br>C.A.M. No. 3, s. 48 (8).<br>S.I. 1961/1198, art. 6, 2460, art. 4.<br>64, s. 11 (1), sch. 1 para. 8 (2).<br>S.I. 1961/1188, 1189, 1192. |
| 53 & 54 Vict.:<br>c. 27 ... ..                 | Colonial Courts of Admiralty Act, 1890.                | Appl. (mod.) (Pacific Islands).<br>Appl. (mod.) (Gibraltar)<br>Appl. (mod.) (Seychelles)<br>Appl. (mod.) (Virgin Islands).<br>Ss. 2 (2)–(4), 5, 6, 16 (3) appl. (mod.) (Pacific Islands).<br>S. 4 excl. }<br>S. 7 restr. } | S.I. 1961/1506, art. 14.<br>S.I. 1961/2031.<br>S.I. 1961/2032.<br>S.I. 1961/2033.<br>S.I. 1961/1506, art. 15 (3).<br>16, s. 1 (2), sch. 2 para. 5.                                                                                                                                                      |

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| 53 & 54 Vict.—<br><i>cont.</i><br>c. 59 ... ..                 | Public Health Acts Amendment Act, 1890.                                                                | Ss. 3, 5 excl. (E.) ...<br>S. 38 rep. (E.) ... ..<br>S. 44 (1) rep. in pt. (E.)<br>am. (E.) ... ..<br>S. 44 (2) ext. (E.) ... ..                                                                                                                                                                                                                                                        | 64, ss. 53 (2),<br>54 (6).<br>64, ss. 75 (7), 86<br>(3), sch. 5 Pt.<br>II.<br>64, s. 86 (3),<br>sch. 5 Pt. II.<br>64, s. 53.<br>64, s. 54 (6).                                                                                                                                                                                                          |
| 54 & 55 Vict.:<br>c. 24 ... ..<br>c. 38 ... ..<br>c. 39 ... .. | Public Accounts and Charges Act, 1891.<br>Stamp Duties Management Act, 1891.<br>Stamp Act, 1891 ... .. | S. 2 ext. ... ..<br>S. 3 (3) rep. ... ..<br>S. 3 (4) rep. in pt. ... ..<br>S. 3 (5) rep. ... ..<br>S. 8 am. ... ..<br>Ss. 32 rep. in pt. (saving),<br>34 rep. (saving).<br>S. 36 rep. in pt. (saving)<br>Ss. 37 (1) rep. (saving),<br>37 (2) rep. in pt.<br>(saving).<br>S. 38 (2) ext. ... ..<br>rep. in pt. (sav-<br>ing)<br>Sch. 1 am. ... ..<br>mod. ... ..<br>rep. in pt. (saving) | 36, s. 30 (4).<br>59, s. 3.<br>15, s. 25 (1).<br>15, s. 25 (1).<br>15, s. 25 (2).<br>15, s. 25 (3).<br>36, s. 37 (6),<br>sch. 6 Pt. II.<br>36, s. 37 (6),<br>sch. 6 Pt. II.<br>36, s. 37 (6), sch.<br>6 Pt. II.<br>36, s. 33 (3).<br>36, s. 37 (6),<br>sch. 6 Pt. II.<br>36, s. 33 (1).<br>36, s. 34 (2).<br>36, ss. 33 (1), 37<br>II.<br>58, s. 2 (7). |
| c. 41 ... ..<br>c. 66 ... ..                                   | Crofters Common Grazings Regulation Act, 1891.<br>Local Registration of Title (Ireland) Act, 1891.     | Am. (meaning of regis-<br>tered landholder).<br>S. 78 (3) rep. in pt.<br>(saving).                                                                                                                                                                                                                                                                                                      | 55, s. 9 (4), sch. 3<br>Pt. II.                                                                                                                                                                                                                                                                                                                         |
| 55 & 56 Vict.:<br>c. 35 ... ..<br>c. 40 ... ..<br>c. 43 ... .. | Colonial Stock Act, 1892<br>Superannuation Act, 1892<br>Military Lands Act, 1892                       | Ext. ... ..<br>S. 4 (1) expld. (Post<br>Office).<br>Ss. 10 (1), 24, 27 all rep.<br>in pt.                                                                                                                                                                                                                                                                                               | S.I. 1961/2319.<br>15, s. 15 (1).<br>55, s. 9 (4), sch. 3<br>Pt. II.                                                                                                                                                                                                                                                                                    |
| 56 & 57 Vict.:<br>c. 39 ... ..<br>c. 73 ... ..                 | Industrial and Provident Societies Act, 1893.<br>Local Government Act, 1894.                           | S. 4 para. (a) am.<br>(E.) (S.).<br>mod.<br>(E.) (S.).<br>S. 9 (1) am. (E.) (S.) ...<br>Ss. 26 (1), 55 (1), sch. 2<br>para. 5 am. (E.) (S.).<br>S. 8 (1) (d) expld. ...                                                                                                                                                                                                                 | 28, s. 1 (1).<br>28, s. 1 (3).<br>28, s. 2 (2).<br>28, s. 1 (2), sch.<br>64, s. 53 (5).                                                                                                                                                                                                                                                                 |
| 57 & 58 Vict.:<br>c. 30 ... ..                                 | Finance Act, 1894 ... ..                                                                               | Ss. 16 (1) (2) rep., 23<br>para. (7) rep. in pt.                                                                                                                                                                                                                                                                                                                                        | 37, s. 3 (4), sch. 2.                                                                                                                                                                                                                                                                                                                                   |

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| 57 & 58 Vict<br>c. 43— <i>cont.</i> | Crown Lands Act, 1894                                 | Rep. exc. s. 6 ... ..<br>S. 6 contd. ... ..                                                                                                                                                                                                                                                                                         | 55, ss. 1 (2), 9 (4)<br>sch. 3 Pt. 1<br>55, s. 9 (3), sch. 2<br>Pt. 1 para. 2.<br>S.I. 1961/36.                                                                                                                                                                                                                                                                                         |
| c. 47 ... ..                        | Building Societies Act,<br>1894.                      | S. 26, sch. 3 rep. ... ..                                                                                                                                                                                                                                                                                                           | S.I. 1961/36.                                                                                                                                                                                                                                                                                                                                                                           |
| c. 60 ... ..                        | Merchant Shipping Act,<br>1894.                       | Excl. in pt. ... ..<br>Pt. XIII appl. (mod.)<br>(Nyasaland).<br>Ss. 1, 8-12 excl. (High-<br>lands and Islands ship-<br>ping).<br>Ss. 39-42, 44-46 appl.<br>(Highlands and Islands<br>shipping).<br>S. 59 (1) expld. ... ..<br>S. 59 (2) appl. ... ..<br>S. 427 (2) am. ... ..<br>S. 731 am. (E.) ... ..<br>Ss. 735-736 excl. ... .. | S.I. 1961/1514,<br>art. 10.<br>S.I. 1961/1189,<br>art. 84.<br>S.I. 1961/1514,<br>art. 11.<br>S.I. 1961/1514,<br>art. 6.<br>S.I. 1961/1514,<br>art. 7.<br>S.I. 1961/1514,<br>art. 8.<br>16, s. 3 (3), sch. 3<br>para. 8.<br>1 (10 Eliz. 2),<br>s. 3 (4), sch. 2<br>para. 7.<br>45, s. 12 (3) (4).<br>16, s. 1 (2), sch. 2<br>para. 4.<br>1 (10 Eliz. 2),<br>s. 1 (2), sch. 1<br>para. 4. |
| 58 & 59 Vict.:<br>c. 36 ... ..      | Fatal Accidents Inquiry<br>(Scotland) Act, 1895.      | Excl. ... ..                                                                                                                                                                                                                                                                                                                        | 34, s. 84 (10).                                                                                                                                                                                                                                                                                                                                                                         |
| 59 & 60 Vict.:<br>c. 25 ... ..      | Friendly Societies Act,<br>1896.                      | S. 2 (1) (c) rep. in pt. (E.)<br>( <i>prosp.</i> ).                                                                                                                                                                                                                                                                                 | 45, s. 29 (2), sch.<br>5 Pt. 1.                                                                                                                                                                                                                                                                                                                                                         |
| c. 48 ... ..                        | Light Railways Act, 1896                              | S. 13 mod. ... ..                                                                                                                                                                                                                                                                                                                   | 33, s. 8 (1).                                                                                                                                                                                                                                                                                                                                                                           |
| 60 & 61 Vict.:<br>c. 38 ... ..      | Public Health (Scotland)<br>Act, 1897.                | Ext. ... ..<br>S. 29 excl. ... ..                                                                                                                                                                                                                                                                                                   | 34, s. 182 (9).<br>34, s. 182 (8).                                                                                                                                                                                                                                                                                                                                                      |
| c. 46 ... ..                        | Weights and Measures<br>(Metric System) Act,<br>1897. | Ext. (E.) (S.) ... ..                                                                                                                                                                                                                                                                                                               | 34, s. 144 (1).                                                                                                                                                                                                                                                                                                                                                                         |
| c. 51 ... ..                        | Public Works Loans Act,<br>1897.                      | S. 1 appl. (E.) ... ..                                                                                                                                                                                                                                                                                                              | 65, s. 7 (2).                                                                                                                                                                                                                                                                                                                                                                           |
| 62 & 63 Vict.:<br>c. 9 ... ..       | Finance Act, 1899 ...                                 | Ss. 10 rep. (saving),<br>12 (1) rep. in pt.<br>(saving).                                                                                                                                                                                                                                                                            | 36, s. 37 (6),<br>sch. 6 Pt. II.                                                                                                                                                                                                                                                                                                                                                        |
| c. 14 ... ..                        | London Government Act,<br>1899.                       | S. 10 (1) rep. in pt. ( <i>prosp.</i> )                                                                                                                                                                                                                                                                                             | 45, ss. 25, 29 (2).<br>schs. 4 para.<br>15, 5 Pt. 1.                                                                                                                                                                                                                                                                                                                                    |
| 63 & 64 Vict.:<br>c. 55 ... ..      | Executors (Scotland) Act,<br>1900.                    | S. 9 (1) am. ... ..                                                                                                                                                                                                                                                                                                                 | 37, s. 1 (1), sch. 1<br>para. 5.                                                                                                                                                                                                                                                                                                                                                        |
| c. 62 ... ..                        | Colonial Stock Act, 1900                              | S. 2 rep. ... ..                                                                                                                                                                                                                                                                                                                    | 62, s. 16 (2),<br>sch. 5.                                                                                                                                                                                                                                                                                                                                                               |



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| 1 Edw. 7:<br>c. 7 ... ..            | Finance Act, 1901 ...                                   | S. 10 expld. ... ..                          | 36, ss. 2 (6),<br>9 (8).                                         |
| 2 Edw. 7:<br>c. 37 ... ..           | Osborne Estate Act, 1902                                | s. 1 (3) rep. in pt. ...                     | 55, s. 9 (4), sch. 3<br>Pt. II.                                  |
| c. 41 ... ..                        | Metropolis Water Act,<br>1902.                          | S. 17 (4) rep. ... ..                        | 62, s. 16 (2),<br>sch. 5.                                        |
| 3 Edw. 7:<br>c. 31 ... ..           | Board of Agriculture and<br>Fisheries Act, 1903.        | S. 1 (7) rep. ... ..                         | 55, s. 9 (4), sch. 3<br>Pt. I.                                   |
| c. 37 ... ..                        | Irish Land Act, 1903 ...                                | S. 61 (4) (5) rep. ...                       | 55, s. 9 (4), sch. 3<br>Pt. I.                                   |
| 4 Edw. 7:<br>c. 28 ... ..           | Weights and Measures<br>Act, 1904.                      | S. 5 ext. (E.) (S.) ...                      | 34, s. 144 (1).                                                  |
| 6 Edw. 7:<br>c. 14 ... ..           | Alkali, &c. Works Regu-<br>lation Act, 1906.            | S. 27, sch. 1 am....                         | S.I. 1961/2261.                                                  |
| c. 28 ... ..                        | Crown Lands Act, 1906                                   | S. 3 contd. ... ..                           | 55, s. 9 (3), sch. 2<br>Pt. 1 para. 2.                           |
|                                     |                                                         | S. 5 rep. ... ..                             | 55, ss. 1 (2), 9 (4),<br>sch. 3 Pt. II.                          |
|                                     |                                                         | S. 6 contd. as am. ...                       | 55, s. 9 (3), sch. 2<br>Pt. 1 para. 2.                           |
|                                     |                                                         | S. 7 contd. ... ..                           | 55, s. 9 (3), sch. 2<br>Pt. 1 para. 1.                           |
|                                     |                                                         | S. 8 rep. ... ..                             | 55, s. 9 (4), sch. 3<br>Pt. II.                                  |
|                                     |                                                         | Ss. 10, 11 contd. ...                        | 55, s. 9 (3), sch. 2<br>Pt. 1 para. 2.                           |
| c. 55 ... ..                        | Public Trustee Act, 1906                                | S. 4 (1) (2) appl. ...                       | C.A.M. No. 3,<br>s. 30 (2).                                      |
|                                     |                                                         | S. 9 mod. ... ..                             | 49, s. 14 (4).                                                   |
| 7 Edw. 7:<br>c. 51 ... ..           | Sheriff Courts (Scotland)<br>Act, 1907.                 | S. 14 am. ... ..                             | 42, s. 8 (1), sch. 1                                             |
|                                     |                                                         | S. 20 rep. ... ..                            | 42, ss. 1 (2), 8 (2),<br>sch. 2.                                 |
| c. 53 ... ..                        | Public Health Acts<br>Amendment Act, 1907.              | S. 3 excl. ... ..                            | 64, s. 52 (1).                                                   |
|                                     |                                                         | Ss. 76, 77 ext. ... ..                       | 64, s. 52.                                                       |
| 8 Edw. 7:<br>c. 36 ... ..           | Small Holdings and Allot-<br>ments Act, 1908.           | S. 40 (2) rep. in pt. ...                    | 55, s. 9 (4), sch. 3<br>Pt. II.                                  |
| c. 50 ... ..                        | Crofters Common Graz-<br>ings Regulation Act,<br>1908.  | Am. (meaning of regis-<br>tered landholder). | 58, s. 2 (7).                                                    |
| c. 57 ... ..                        | Coal Mines Regulation<br>Act, 1908.                     | Ss. 1, 3 susp. ( <i>temp.</i> ) ...          | S.I. 1961/2055.                                                  |
| 9 Edw. 7:<br>c. 43 ... ..           | Revenue Act, 1909 ...                                   | S.10 rep. (saving) ...                       | 36, s. 37 (6), sch.<br>6 Pt. II.                                 |
| c. 47 ... ..                        | Development and Road<br>Improvement Funds<br>Act, 1909. | Sch. para. (2) (c) mod. ...                  | 33, s. 8 (1).                                                    |

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| 10 Edw. 7 & 1 Geo. 5:<br>c. 8 ... .. | Finance (1909-10) Act, 1910.                                | S. 46 rep. (E.) ... ..<br>S. 61 (2) rep. ... ..                                                                                                                                                | 61, s. 38 (3),<br>sch. 9 Pt. I.<br>37, s. 3 (4), sch. 2.                                                        |
| 1 & 2 Geo. 5:<br>c. 49 ... ..        | Small Landholders (Scotland) Act, 1911.                     | Am. (meaning of registered landholder).<br>S. 25 (2) ext. ... ..                                                                                                                               | 58, s. 2 (7).<br>58, s. 4 (3).                                                                                  |
| 3 & 4 Geo. 5:<br>c. 32 ... ..        | Ancient Monuments Consolidation and Amendment Act, 1913.    | Saved (S.) ... ..<br>S. 18 rep. (E. exc. London) ( <i>prosp.</i> ).                                                                                                                            | 41, s. 3 (3) ( <i>a</i> ).<br>64, ss. 10 (3), 86 (3), sch. 5 Pt. I.                                             |
| 8 & 9 Geo. 5:<br>c. 15 ... ..        | Finance Act, 1918 ...                                       | S. 36 rep. (saving) ...                                                                                                                                                                        | 36, s. 37 (6),<br>sch. 6 Pt. II.                                                                                |
| 9 & 10 Geo. 5:<br>c. 46 ... ..       | Police Act, 1919 ...                                        | S. 13 appl. ... ..<br>Sch. am. ... ..<br>Sch. paras. 17 proviso, 21 proviso rep.                                                                                                               | 51, s. 2 (2).<br>51.<br>51, s. 2 (1), sch. para. 9.                                                             |
| c. 57 ... ..                         | Acquisition of Land (Assessment of Compensation) Act, 1919. | Rep. (E.) ... ..<br>Ss. 3, 5, 6 appl. (mod.) (S.) ( <i>temp.</i> ).                                                                                                                            | 33, s. 40 (3),<br>sch. 5.<br>41, s. 11 (5).                                                                     |
| c. 92 ... ..                         | Aliens Restriction (Amendment) Act, 1919.                   | S. 1 cont. until 31.12.62                                                                                                                                                                      | 4 (10 Eliz. 2),<br>s. 1 (1).                                                                                    |
| c. 97 ... ..                         | Land Settlement (Scotland) Act, 1919.                       | Pt. II (ss. 9-17) am. (meaning of registered landholder).                                                                                                                                      | 58, s. 2 (7).                                                                                                   |
| 10 & 11 Geo. 5:<br>c. 18 ... ..      | Finance Act, 1920 ...                                       | S. 42 (2) expld. ... ..                                                                                                                                                                        | 36, s. 34 (3).                                                                                                  |
| c. 65 ... ..                         | Employment of Women, Young Persons, and Children Act, 1920. | S. 1 (3). Power to excl. (E.) (S.)                                                                                                                                                             | 34, s. 117 (1).                                                                                                 |
| c. 67 ... ..                         | Government of Ireland Act, 1920.                            | Legislative powers of N.I. ext. {<br>S. 6 mod. ... ..<br>S. 22 ext. ... ..<br>S. 22 (2) ext. ... ..<br>S. 24 expld. ... ..                                                                     | 14, s. 13.<br>37, s. 3 (5).<br>39, s. 40.<br>15, s. 27 (4).<br>36, s. 9 (9).<br>15, s. 2 (4).<br>15, s. 27 (1). |
| 11 & 12 Geo. 5:<br>c. 39 ... ..      | Admiralty Pensions Act, 1921.                               | Excl. ... ..                                                                                                                                                                                   | S.I. 1961/294.                                                                                                  |
| c. 52 ... ..                         | Exchequer and Audit Departments Act, 1921.                  | Ss. 2 (1) am., 3-5 excl. ...                                                                                                                                                                   | 15, s. 28 (1), sch.                                                                                             |
| c. 58 ... ..                         | Trusts (Scotland) Act, 1921.                                | Am. (refs. to ss. 10, 11 expld.).<br>S. 2 am. (definition of "judicial factor").<br>S. 4 (1) ( <i>ee</i> ) added ...<br>S. 4 (1) ( <i>o</i> ) ( <i>p</i> ) added ...<br>Ss. 10, 11 rep. ... .. | 62, s. 16 (1), sch. 4 para. 1 (2).<br>57, s. 3.<br>57, s. 4.<br>62, s. 10.<br>62, s. 16 (2),<br>sch. 5.         |

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| 11 & 12 Geo. 5:<br>c. 58— <i>cont.</i> | Trusts (Scotland) Act,<br>1921— <i>cont.</i>               | S. 12 (3) (4) rep. ...<br>S. 27 rep. in pt. ...<br>S. 30 saved ... ..<br>S. 33 excl. ... ..                                                                                                                                                                                     | 62, s. 16 (2),<br>sch. 5.<br>62, ss. 14, 16 (2),<br>sch. 5.<br>62, s. 6 (7).<br>62, s. 3 (4), sch.<br>3 para. 2.                                                                                                                    |
| 12 & 13 Geo. 5:<br>c. 43 ... ..        | Post Office (Pneumatic<br>Tubes Acquisition) Act,<br>1922. | S. 3 rep. ... ..                                                                                                                                                                                                                                                                | 15, s. 28 (1), sch.                                                                                                                                                                                                                 |
| 13 & 14 Geo. 5:<br>c. 16 ... ..        | Salmon and Freshwater<br>Fisheries Act, 1923.              | S. 8 mod. ... ..<br>S. 42 paras. (b) rep., (e)<br>rep. in pt., s. 90 rep.<br>in pt.                                                                                                                                                                                             | 50, ss. 2 (2), 4 (1).<br>55, s. 9 (4), sch. 3<br>Pt. I.                                                                                                                                                                             |
| c. 21 ... ..                           | Forestry (Transfer of<br>Woods) Act, 1923.                 | S. 1 restr.... ..<br>S. 1 (1) rep. in pt. ...                                                                                                                                                                                                                                   | 55, s. 8 (1).<br>55, s. 9 (4), sch. 3<br>Pt. II.                                                                                                                                                                                    |
| c. 24 ... ..                           | Housing, &c. Act, 1923                                     | S. 3 expld. ... ..<br>S. 2 rep. (saving) (E.) ...                                                                                                                                                                                                                               | 55, s. 8 (1).<br>65, ss. 11 (2), 36<br>(5), schs. 2<br>para. 12, 4.                                                                                                                                                                 |
| 14 & 15 Geo. 5:<br>c. 35 ... ..        | Housing (Financial Pro-<br>visions) Act, 1924.             | S. 15 rep. (saving), sch. 2<br>rep. (saving) (E.), so<br>far as amdg. s. 2 of the<br>Housing &c. Act, 1923<br>(13 & 14 Geo. 5, c. 24).                                                                                                                                          | 65, s. 36 (5),<br>sch. 4.                                                                                                                                                                                                           |
| C.A.M. No. 6                           | Diocese of Winchester<br>(Division) Measure,<br>1923.      | S. 14 rep. ... ..                                                                                                                                                                                                                                                               | C.A.M. No. 1,<br>s. 4.                                                                                                                                                                                                              |
| 15 & 16 Geo. 5:<br>c. 18 ... ..        | Settled Land Act, 1925                                     | S. 117 (1) (definition of<br>"trust corporation")<br>ext.                                                                                                                                                                                                                       | C.A.M. No. 3,<br>s. 31.                                                                                                                                                                                                             |
| c. 19 ... ..                           | Trustee Act, 1925 ...                                      | Am. (refs. to s. 1 expld.)<br>Ss. 1 rep., 2 (1) rep. in pt.<br>S. 4 excl. ... ..<br>S. 5 (1) (a), (4)–(6) rep....<br>S. 8 saved ... ..<br>S. 10 (3) (bb) added ...<br>S. 10 (4) expld. ... ..<br>S. 40 mod. ... ..<br>S. 68 (18) (definition of<br>"trust corporation")<br>ext. | 62, s. 16 (1), sch.<br>4 para. 1 (1).<br>62, s. 16 (2), sch.<br>5.<br>62, s. 3 (4), sch. 3<br>para. 2.<br>62, s. 16 (2),<br>sch. 5.<br>62, s. 6 (7).<br>62, s. 9 (1).<br>62, s. 9 (2).<br>49, s. 14 (3).<br>C.A.M. No. 3,<br>s. 31. |
| c. 20 ... ..                           | Law of Property Act, 1925                                  | Ss. 99–101 appl. ...                                                                                                                                                                                                                                                            | 65, s. 18 (5).                                                                                                                                                                                                                      |
| c. 22 ... ..                           | Land Charges Act, 1925                                     | S. 15 ext. ... ..<br>S. 15 ext. (Covent Garden<br>Market).<br>S. 17 appl. (mod.) ...                                                                                                                                                                                            | 48, s. 30 (8).<br>65, s. 12 (7).<br>49, s. 48.                                                                                                                                                                                      |
| c. 23 ... ..                           | Administration of Estates<br>Act, 1925.                    | S. 55 (1) (definition of<br>"trust corporation")<br>ext.                                                                                                                                                                                                                        | 49, s. 48 (3).<br>C.A.M. No. 3,<br>s. 31.                                                                                                                                                                                           |

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| 15 & 16 Geo. 5: c. 49 ... ..        | Supreme Court of Judicature (Consolidation) Act, 1925. | S. 27 ext. ...<br>S. 49 appl. ... ..<br>S. 128 excl. ... ..<br>S. 169 (2) am. ... ..<br><br>S. 175 (1) (definition of "trust corporation") ext.<br>S. 213 appl. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 50, s. 6 (5).<br>64, s. 66 (1).<br>14, s. 9 (2).<br>S.I. 1961/1083.<br>37, s. 1 (1), sch. 1 para. 6.<br>C.A.M. No. 3, s. 31.                                                                                                                                                                                                                                                                                                                                                                                                                    |
| c. 59 ... ..                        | Teachers (Superannuation) Act, 1925.                   | Pt. II appl. (mod.) ... ..<br>mod. ... ..<br><br>S. 2 (1) (a) (iv) mod. ... ..<br>S. 3 (1) (c) expld.... ... ..<br><br>S. 8 (1) proviso added ... ..<br>S. 12 mod. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 37, s. 2.<br>S.I. 1961/258, 2418.<br>S.I. 1961/1895, r. 29 (2).<br>S.I. 1961/1895, rr. 27, 29 (2).<br>S.I. 1961/1895, r. 26.<br>S.I. 1961/513, reg. 5.<br>S.I. 1961/1895, r. 29 (2).                                                                                                                                                                                                                                                                                                                                                            |
| c. 71 ... ..                        | Public Health Act, 1925                                | S. 2 (3) rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 64, s. 86 (3), sch. 5 Pt. II.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| c. 90 ... ..                        | Rating and Valuation Act, 1925.                        | Pt. VI (s. 56) ext. ... ..<br>S. 2 (4) saved ... ..<br>S. 2 (9) rep. ( <i>prosp.</i> ) ... ..<br><br>S. 11 (1) (b) rep. ( <i>prosp.</i> )<br><br>S. 11 (1). Power to am. ( <i>prosp.</i> ).<br>S. 11 (2) am. ( <i>prosp.</i> ) ... ..<br>S. 21 (1) am. ( <i>prosp.</i> ) ... ..<br><br>S. 22 (1) (a) rep. in pt. ( <i>prosp.</i> ).<br>S. 22 (1) (c) rep. in pt. ( <i>prosp.</i> ).<br>S. 22 (1) (d) am. ( <i>prosp.</i> )<br>rep. in pt. ( <i>prosp.</i> ).<br><br>S. 22 (2) (3) rep. ( <i>prosp.</i> )<br><br>S. 59 appl. ... ..<br>S. 60 (1) rep. in pt. ( <i>prosp.</i> )<br><br>S. 68 rep. in pt. (in pt., defin. of "gross value").<br><br>Sch. 2 Pts. II, III rep. ( <i>prosp.</i> ).<br>Sch. 3, class 1 am. ... ..<br>Sch. 3, class 4. Power to am. | 64, s. 52 (1).<br>45, s. 11 (4).<br>45, s. 29 (2), sch. 5 Pt. III.<br>45, ss. 15 (3) (5), 29 (2), sch. 5 Pt. I.<br>45, s. 15 (1) (5).<br>45, s. 15 (4) (5).<br>45, s. 25, sch. 4 para. 1.<br>45, ss. 8 (2), 29 (2), sch. 5 Pt. I.<br>45, s. 29 (2), sch. 5 Pt. I.<br>45, s. 25, sch. 4 para. 9.<br>45, ss. 25, 29 (2), schs. 4 para. 9, 5 Pt. I.<br>45, s. 29 (2), sch. 5 Pt. I.<br>45, s. 11 (8).<br>45, s. 29 (2), sch. 5 Pt. III.<br>45, ss. 6 (6), 29 (2), sch. 5 Pt. II.<br>45, s. 29 (2), sch. 5 Pt. I.<br>45, s. 5 (4).<br>45, s. 5 (1). |

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| 16 & 17 Geo. 5:<br>c. 36 ... ..     | Parks Regulation Act, 1926.                          | Excl. ... ..<br>S. 1 ext. ... ..                                                                                                                                                                                                                               | 55, s. 7 (4).<br>55, s. 7 (5).                                                                                                                             |
| c. 37 ... ..                        | Lead Paint (Protection against Poisoning) Act, 1926. | Rep. ... ..                                                                                                                                                                                                                                                    | 34, s. 183 (2), sch. 7.                                                                                                                                    |
| c. 40 ... ..                        | Indian and Colonial Divorce Jurisdiction Act, 1926.  | S. 2 (2) am. ... ..                                                                                                                                                                                                                                            | } 16, s. 3 (3), sch. 3.<br>1 (10 Eliz. 2), s. 3 (4), sch. 2 para. 15.                                                                                      |
| c. 59 ... ..                        | Coroners (Amendment) Act, 1926.                      | S. 20 am. ... ..                                                                                                                                                                                                                                               |                                                                                                                                                            |
| C.A.M. No. 7                        | Episcopal Pensions Measure, 1926.                    | Rep. ... ..                                                                                                                                                                                                                                                    | 60, s. 2 (3), sch. 1 Pt. I.<br>C.A.M. No. 3, s. 48 (1), sch. 3.                                                                                            |
| 17 & 18 Geo. 5:<br>c. 23 ... ..     | Crown Lands Act, 1927                                | Rep. exc. s. 13 in pt. ... ..<br>Expld. (N.I.) ... ..<br>S. 13 contd. ... ..<br>S. 13 (1) (a), (2) (3) rep.                                                                                                                                                    | 55, ss. 1 (2), 9 (4), sch. 3 Pt. II.<br>55, s. 9 (3), sch. 2 para. 4.<br>55, s. 9 (3), sch. 2 para. 1.<br>55, s. 9 (4), sch. 3 Pt. II.                     |
| c. 36 ... ..                        | Landlord and Tenant Act, 1927.                       | Sch. 2 Pt. I para. 1 (b) rep.                                                                                                                                                                                                                                  | 55, s. 9 (4), sch. 3 Pt. II.                                                                                                                               |
| 18 & 19 Geo. 5:<br>c. 41 ... ..     | Racecourse Betting Act, 1928.                        | Am. ("Racecourse Betting Control Board" renamed "Horseshoe Totalisator Board").<br>S. 2 (1) rep. in pt. ... ..<br>S. 2 (3)-(5) rep. ... ..<br>S. 2 (6) rep. ... ..<br>S. 2 (7) rep. in pt. ... ..<br>S. 3 para. (3) saved ... ..<br>S. 3 para. (8) rep. ... .. | 17, s. 7 (1).<br>17, s. 7 (2).<br>17, s. 7 (2).<br>17, s. 7 (4).<br>17, s. 7 (5).<br>17, s. 7 (7).<br>17, s. 8 (4).                                        |
| c. 43 ... ..                        | Agricultural Credits Act, 1928.                      | S. 3 rep. ... ..                                                                                                                                                                                                                                               | 62, s. 16 (2), sch. 5.                                                                                                                                     |
| c. 44 ... ..                        | Rating and Valuation (Apportionment) Act, 1928.      | S. 1 rep. ( <i>prosp.</i> ) ... ..<br>S. 2 (1) rep. ( <i>prosp.</i> ) ... ..<br>S. 2 (2) am. ... ..<br>Ss. 3-6 rep. (E.) ( <i>prosp.</i> ) ... ..<br>Ss. 7 (1) (b) rep. ( <i>prosp.</i> ), 10 (2) rep. in pt. ( <i>prosp.</i> )                                | 45, s. 29 (2), sch. 5 Pt. I.<br>45, s. 29 (2), sch. 5 Pt. I.<br>45, s. 25, sch. 4 para. 2.<br>45, s. 29 (2), sch. 5 Pt. I.<br>45, s. 29 (2), sch. 5 Pt. I. |
| 19 & 20 Geo. 5:<br>c. 13 ... ..     | Agricultural Credits (Scotland) Act, 1929.           | S. 3 rep. ... ..                                                                                                                                                                                                                                               | 62, s. 16 (2), sch. 5.                                                                                                                                     |
| c. 17 ... ..                        | Local Government Act, 1929.                          | S. 68 rep. ( <i>prosp.</i> ) ... ..<br>Ss. 69, 73 rep. ( <i>prosp.</i> ) ... ..<br>S. 78 rep. ... ..<br>S. 124 (5) (c) appl. ... ..                                                                                                                            | 45, ss. 1, 29 (2), sch. 5 Pt. I.<br>45, s. 29 (2), sch. 5 Pt. I.<br>48, s. 54 (2), sch. 2.<br>S.I. 1961/1895, r. 11.                                       |
| c. 29 ... ..                        | Government Annuities Act, 1929.                      | S. 54 (4) am. ... ..                                                                                                                                                                                                                                           | 15, s. 28 (1), sch.                                                                                                                                        |

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| 20 & 21 Geo. 5:<br>c. 5 ... ..<br>c. 44 ... .. | Colonial Development Act, 1929.<br>Land Drainage Act, 1930 | S. 3 (3) rep. ... ..<br>Ext. ... ..<br>S. 4 (as mod.) appl. ... ..<br>S. 4 (1) (a) ext. ... ..<br>S. 4 (1) (b) ext. ... ..<br>S. 4 (1) (b) (ix) rep. in pt.<br><br>S. 6 (4) am. ... ..<br><br>S. 7 (2) (a), (4) am. ... ..<br><br>S. 8 am. ... ..<br>S. 20 (1) (b) am. ... ..<br><br>S. 20 (2) rep. ... ..<br>S. 20 (4) am. ... ..<br><br>S. 21 appl. ... ..<br>S. 21 (3) ext. ... ..<br>S. 24 (2) appl. (mod.) ... ..<br>S. 24 (4) ext. ( <i>prosp.</i> ) ... ..<br>excl. ( <i>prosp.</i> ) ... ..<br>S. 24 (6) am. ( <i>prosp.</i> ) ... ..<br>am. ... ..<br>S. 24 (7) ext. ... ..<br>S. 25 rep. and superseded<br><br>S. 26 (4) (c) am. ... ..<br>S. 26 (4A) added ... ..<br><br>S. 27 am. ... ..<br>S. 28 ext. ... ..<br>S. 28 (3) added ... ..<br><br>S. 29 (2) am. ... ..<br><br>S. 29 (3) rep. in pt. ... ..<br>ext. ... ..<br>S. 29 (4) am. ... ..<br><br>S. 31 (2) subst. ... ..<br><br>S. 32 (1) subst. ... ..<br><br>S. 34 ext. ... ..<br>S. 34 (1) (b) am. ... ..<br><br>S. 34 (3) am. ... ..<br>ext. ... ..<br>S. 35 (1)–(9) rep. and<br>superseded.<br>S. 35 (12) am. ... .. | 62, s. 16 (2),<br>sch. 5.<br>48, s. 18 (3).<br>48, s. 3 (5)–(10).<br>48, s. 17.<br>48, s. 18 (1).<br>48, ss. 32, 54 (2),<br>sch. 1 Pt. I<br>para. 1, sch. 2.<br>48, s. 32, sch. 1<br>Pt. I para. 2.<br>48, s. 32, sch. 1<br>Pt. I para. 3.<br>48, s. 20.<br>48, s. 32, sch. 1<br>Pt. I para. 4<br>(1).<br>48, s. 54 (2),<br>sch. 2.<br>48, s. 32, sch. 1<br>Pt. I para. 4<br>(2).<br>48, s. 21 (3).<br>48, s. 3 (11).<br>48, s. 26 (2).<br>48, s. 22 (1) (2).<br>48, s. 22 (4).<br>48, s. 22 (6).<br>48, s. 26 (1).<br>48, s. 27.<br>48, ss. 25, 54 (2),<br>sch. 2.<br>48, s. 32, sch. 1<br>Pt. I para. 5.<br>48, s. 32, sch. 1<br>Pt. I para. 6.<br>48, s. 23 (2) (3).<br>48, s. 22 (5) (8).<br>48, s. 32, sch. 1<br>Pt. I para. 7.<br>48, s. 32, sch. 1<br>Pt. I para. 8.<br>48, s. 32, sch. 1<br>Pt. I para. 9, sch. 2.<br>48, s. 22 (3).<br>48, s. 32, sch. 1<br>Pt. I para. 10.<br>48, s. 32, sch. 1<br>Pt. I para. 11.<br>48, s. 32, sch. 1<br>Pt. I para. 12.<br>48, s. 34 (1).<br>48, s. 32, sch. 1<br>Pt. I para. 13.<br>48, s. 32, sch. 1<br>Pt. I para. 14.<br>48, s. 40 (4).<br>48, ss. 28, 54 (2),<br>sch. 2.<br>48, s. 28 (7). |

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| 20 & 21 Geo. 5:<br>c. 44— <i>cont.</i> | Land Drainage Act, 1930<br>— <i>cont.</i> | S. 38 ext. ... ..                             | 48, s. 34 (1).                                                   |
|                                        |                                           | S. 38 (1) subst. by s. 38 (1) (1A) (1B) (1C). | 48, s. 29.                                                       |
|                                        |                                           | S. 39 rep. in pt. ... ..                      | 48, ss. 32, 54 (2), sch. 1 Pt. I para. 15, sch. 2.               |
|                                        |                                           | S. 43 ext. ... ..                             | 48, s. 34 (1).                                                   |
|                                        |                                           | S. 43 (1) rep. in pt. ... ..                  | 48, ss. 32, 54 (2), sch. 1 Pt. I para. 16, sch. 2.               |
|                                        |                                           | S. 44 ext. ... ..                             | 48, s. 32, sch. 1 Pt. I para. 17 (4).                            |
|                                        |                                           | S. 44 (7) proviso am. ... ..                  | 48, s. 32, sch. 1 Pt. I para. 17.                                |
|                                        |                                           | S. 44 (9) added ... ..                        | 48, s. 32, sch. 1 Pt. I para. 17.                                |
|                                        |                                           | S. 45 am. ... ..                              | 48, s. 43.                                                       |
|                                        |                                           | S. 45 (1) (2) am. ... ..                      | 48, s. 32, sch. 1 Pt. I para. 18 (1).                            |
|                                        |                                           | S. 45 (4) am. ... ..                          | 48, s. 32, sch. 1 Pt. I para. 18 (2)                             |
|                                        |                                           | S. 45 (5) rep. ... ..                         | 33, s. 40 (3), sch. 5.                                           |
|                                        |                                           | S. 46 (1) am. ... ..                          | 48, s. 32, sch. 1 Pt. I para. 19.                                |
|                                        |                                           | S. 47 am. ... ..                              | 48, s. 19 (2).                                                   |
|                                        |                                           | S. 47 ext. ... ..                             | 48, s. 34 (1).                                                   |
|                                        |                                           | S. 47 (1) (d) am. ... ..                      | 48, s. 32, sch. 1 Pt. I para. 20 (1).                            |
|                                        |                                           | S. 47 (2) excl. in pt., 47 (3)—(7) excl.      | 48, s. 32, sch. 1 Pt. I para. 20 (4).                            |
|                                        |                                           | S. 47 (8) am. ... ..                          | 48, s. 32, sch. 1 Pt. I para. 20 (2).                            |
|                                        |                                           | appl. ... ..                                  | 48, s. 32, sch. 1 Pt. I para. 20 (4).                            |
|                                        |                                           | S. 47 (8A) added ... ..                       | 48, s. 32, sch. 1 Pt. I para. 20 (3).                            |
|                                        |                                           | S. 50 (2) am., 50 (2A) added.                 | 48, s. 32, sch. 1 Pt. I para. 21.                                |
|                                        |                                           | S. 52 rep. and superseded                     | 48, ss. 30, 54 (2), sch. 2.                                      |
|                                        |                                           | S. 55 (2) rep. ... ..                         | 48, s. 54 (2), sch. 2.                                           |
|                                        |                                           | Ss. 57, 58 rep. and superseded.               | 48, ss. 44, 54 (2), sch. 2.                                      |
|                                        |                                           | S. 61 ext. ... ..                             | 48, s. 32, sch. 1 Pt. I para. 22 (5).                            |
|                                        |                                           | S. 61 (1) am. ... ..                          | 87, s. 32, sch. 1 Pt. I para. 22 (1) (2).                        |
| S. 61 (1) (e) added ... ..             | 48, s. 32, sch. 1 Pt. I para. 22 (1) (3). |                                               |                                                                  |

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| 20 & 21 Geo. 5:<br>c. 44— <i>cont.</i>                    | Land Drainage Act, 1930<br>— <i>cont.</i>                               | S. 61 (2) am. ... ..                                                 | 48, s. 32, sch. 1<br>Pt. I para. 22<br>(1) (2).                                     |
|                                                           |                                                                         | S. 61 (3) am. ... ..                                                 | 48, s. 32, sch. 1<br>Pt. I para. 22<br>(1) (4).                                     |
|                                                           |                                                                         | S. 61 (4) expld. ... ..                                              | 48, s. 31 (9).                                                                      |
|                                                           |                                                                         | S. 62 am. ... ..                                                     | 48, s. 32, sch. 1<br>Pt. I para. 23.                                                |
|                                                           |                                                                         | S. 64 rep. and superseded                                            | 48, ss. 31, 54 (2),<br>sch. 2.                                                      |
|                                                           |                                                                         | S. 71 rep. ... ..                                                    | 48, ss. 32, 54 (2),<br>sch. 1 Pt. I<br>para. 24, sch. 2.                            |
|                                                           |                                                                         | S. 77 am. ... ..                                                     | 48, s. 51.                                                                          |
|                                                           |                                                                         | S. 77 (1) (a) rep. in pt. ...                                        | 55, s. 9 (4), sch.<br>3 Pt. I.                                                      |
|                                                           |                                                                         | Ss. 79, 80 am. ... ..                                                | 48, s. 50.                                                                          |
|                                                           |                                                                         | S. 81 ext. so far as defining<br>"main river".                       | 48, s. 3 (3).                                                                       |
|                                                           |                                                                         | S. 81 am. ... ..                                                     | 48, s. 32, sch. 1<br>Pt. I para. 25.                                                |
|                                                           |                                                                         | Sch. 2 Pt. I para. 2 am....                                          | 48, s. 32, sch. 1<br>Pt. I para. 26.                                                |
|                                                           |                                                                         | Sch. 3 Pt. II para. 1 pro-<br>viso (ii) am.                          | 48, s. 32, sch. 1<br>Pt. I para. 27.                                                |
|                                                           |                                                                         | Sch. 3 Pt. II para. 2 am....                                         | 48, s. 32, sch. 1<br>Pt. I para. 28.                                                |
| Sch. 3 Pt. II para. 12<br>subst. by paras. 12 and<br>12A. | 48, s. 32, sch. 1<br>Pt. I para. 29.                                    |                                                                      |                                                                                     |
| Sch. 5 rep. ... ..                                        | 48, s. 54 (2), sch. 2.                                                  |                                                                      |                                                                                     |
| Rep. ... ..                                               | C.A.M. No. 3,<br>s. 48 (1), sch. 3.                                     |                                                                      |                                                                                     |
| C.A.M. No. 6 ...                                          | Clergy Pensions (Older<br>Incumbents) Measure,<br>1930.                 |                                                                      |                                                                                     |
| 21 & 22 Geo. 5:<br>c. 16 ... ..                           | Ancient Monuments Act,<br>1931.                                         | Saved (S.) ... ..                                                    | 41, s. 3 (3) (a).                                                                   |
|                                                           |                                                                         |                                                                      |                                                                                     |
| c. 44 ... ..                                              | Small Landholders and<br>Agricultural Holdings<br>(Scotland) Act, 1931. | Am. (meaning of regis-<br>tered landholder).                         | 58, s. 2 (7).                                                                       |
| C.A.M. No. 1 ...                                          | Episcopal Pensions<br>(Sodor and Man)<br>Measure, 1931.                 | S. 4 mod. ... ..<br>Rep. ... ..                                      | 58, s. 2 (6).<br>C.A.M. No. 3,<br>s. 48 (1), sch. 3.                                |
| 22 & 23 Geo. 5:<br>c. 23 ... ..                           | Grey Seals Protection<br>Act, 1932.                                     | S. 1 (1) excl. (S.) ( <i>temp.</i> )                                 | S.I. 1961/2332.                                                                     |
|                                                           |                                                                         |                                                                      |                                                                                     |
| c. 36 ... ..                                              | Carriage by Air Act, 1932                                               | Rep. ( <i>prosp.</i> ) ... ..                                        | 27, ss. 1 (1),<br>14 (3), sch. 2.                                                   |
| 23 & 24 Geo. 5:<br>c. 6 ... ..                            | Visiting Forces (British<br>Commonwealth) Act,<br>1933.                 | S. 4 appl. (Sierra Leone)<br>appl. (Tanganyika)                      | 16, s. 3 (3), sch. 3<br>para. 6.<br>1 (10 Eliz. 2), s. 3<br>(4), sch. 2 para.<br>5. |
|                                                           |                                                                         | S. 8 appl. (Sierra Leone)<br>so far as defining<br>"visiting force". | 16, s. 3 (3), sch. 3<br>para. 6.                                                    |
|                                                           |                                                                         | S. 8 appl. (Tanganyika)                                              | 1 (10 Eliz. 2), s. 3<br>(4), sch. 2 para.<br>5.                                     |
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| 24 & 25 Geo. 5.—<br><i>cont.</i><br>c. 47 ... .. | Colonial Stock Act, 1934                         | Rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 62, s. 16 (2), sch. 5.                                                                                                                                                                                                                                                                                                                                                                                                                                |
| c. 49 ... ..                                     | Whaling Industry (Regulation) Act, 1934.         | S. 17 (1) am. (meaning of "British ship").                                                                                                                                                                                                                                                                                                                                                                                                                                          | 16, s. 3 (3), sch. 3 para. 12.<br>1 (10 Eliz. 2), s. 3 (4), sch. 2 para. 11.                                                                                                                                                                                                                                                                                                                                                                          |
| c. 58 ... ..                                     | Betting and Lotteries Act, 1934.                 | S. 3 (2) ext. (E.)...<br>S. 18 (1) (2) saved                                                                                                                                                                                                                                                                                                                                                                                                                                        | 61, s. 3 (10).<br>17, s. 7 (7).                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 25 & 26 Geo. 5:<br>c. 14 ... ..                  | Post Office and Telegraph (Money) Act, 1935.     | Rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 15, s. 14.                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| c. 23 ... ..                                     | Superannuation Act, 1935                         | S. 3 (4) expld. (Post Office).                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 15, s. 15 (1).                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| c. 47 ... ..                                     | Restriction of Ribbon Development Act, 1935.     | S. 17 (1) am. (E.) ( <i>prosp.</i> )                                                                                                                                                                                                                                                                                                                                                                                                                                                | 64, ss. 5 (3), 11 (2), 86 (2), sch. 1 Pt. III.                                                                                                                                                                                                                                                                                                                                                                                                        |
| C.A.M. No. 2                                     | Farnham Castle Measure, 1935.                    | Rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | C.A.M. No. 1, s. 4.                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 26 Geo. 5 & 1 Edw. 8:<br>c. 22 ... ..            | Hours of Employment (Conventions) Act, 1936.     | Power to excl. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 34, s. 117 (1).                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| c. 24 ... ..                                     | Employment of Women and Young Persons Act, 1936. | Rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 34, s. 183 (2), sch. 7.                                                                                                                                                                                                                                                                                                                                                                                                                               |
| c. 34 ... ..                                     | Finance Act, 1936                                | S. 31 rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 15, s. 28 (1), sch. 55, s. 9 (4), sch. 3 Pt. II.                                                                                                                                                                                                                                                                                                                                                                                                      |
| c. 47 ... ..                                     | Crown Lands Act, 1936                            | Ss. 6-8 rep. ... ..<br>S. 9 contd. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                           | 55, s. 9 (3), sch. 2 Pt. I.<br>55, s. 9 (4), sch. 3 Pt. II.                                                                                                                                                                                                                                                                                                                                                                                           |
| c. 49 ... ..                                     | Public Health Act, 1936                          | Ss. 9 (1) (a) rep., 9 (3) rep. in pt., 10 (3) rep.<br>S. 15 saved ... ..<br>S. 24 (1) proviso am. ... ..<br>S. 25 (1) am. ( <i>prosp.</i> ) ... ..<br>S. 25 (3) rep. ( <i>prosp.</i> ) ... ..<br>S. 37 (1) am. ( <i>prosp.</i> ) ... ..<br>S. 39 saved ... ..<br>S. 43 (1) am. ( <i>prosp.</i> ) ... ..<br>S. 44 (1) am. ... ..<br>S. 48 (1) am. ... ..<br>Ss. 53 (1) (2) (7), 54 (1), 55 (1) am. ( <i>prosp.</i> ) ... ..<br>S. 58 (1) rep. in pt. ... ..<br>S. 58 (3) rep. ... .. | 48, s. 31 (7).<br>64, s. 15.<br>64, ss. 5 (1), 11 (2), 86 (2) (a), sch. 1 Pt. III.<br>64, ss. 10 (6), 86 (3), sch. 5 Pt. I.<br>64, ss. 5 (1), 11 (2), 86 (2) (a), sch. 1 Pt. III.<br>64, ss. 17 (4), 18 (6).<br>64, ss. 5 (1), 11 (2), 86 (2) (a), sch. 1 Pt. III.<br>64, s. 21 (1).<br>64, s. 16.<br>64, ss. 5 (1), 11 (2), 86 (2) (a), sch. 1 Pt. III.<br>64, ss. 24 (1), 27 (5), 86 (3), sch. 5 Pt. II.<br>64, ss. 25 (10), 86 (3), sch. 5 Pt. II. |

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| 26 Geo. 5 & 1 Edw. 8: c. 49— <i>cont.</i> | Public Health Act, 1936— <i>cont.</i> | S. 59 (1) (5) ( <i>d</i> ) am. ( <i>prosp.</i> )  | 64, ss. 5 (1), 11 (2), 86 (2) ( <i>a</i> ), sch. 1 Pt. III.      |
|                                           |                                       | S. 61 am. ( <i>prosp.</i> ) ...                   | 64, s. 4 (1).                                                    |
|                                           |                                       | S. 61 (1) am. ( <i>prosp.</i> ) ...               | 64, ss. 11 (2), 86 (2) ( <i>a</i> ), sch. 1 Pt. III.             |
|                                           |                                       | rep. in pt. ( <i>prosp.</i> )                     | 64, ss. 10 (1), 86 (3), sch. 5 Pt. I.                            |
|                                           |                                       | S. 61 (2) am. ( <i>prosp.</i> ) ...               | 64, ss. 5 (1), 11 (2), 86 (2) ( <i>a</i> ), sch. 1 Pt. III.      |
|                                           |                                       | S. 61 (3) rep. ( <i>prosp.</i> ) ...              | 64, ss. 10 (1), 86 (3), sch. 5 Pt. I.                            |
|                                           |                                       | S. 62 am. ( <i>prosp.</i> ) ...                   | 64, s. 4 (1).                                                    |
|                                           |                                       | S. 62 (1), (2) ( <i>c</i> ) am. ( <i>prosp.</i> ) | 64, ss. 5 (1), 11 (2), 86 (2) ( <i>a</i> ), sch. 1 Pt. III.      |
|                                           |                                       | S. 63 rep. and superseded ( <i>prosp.</i> )       | 64, ss. 6 (8), 86 (3), sch. 5 Pt. I.                             |
|                                           |                                       | S. 64 am. ( <i>prosp.</i> ) ...                   | 64, s. 4 (4).                                                    |
|                                           |                                       | S. 64 (1) am. ( <i>prosp.</i> ) ...               | 64, ss. 5 (1), 11 (2), 86 (2) ( <i>a</i> ), sch. 1 Pt. III.      |
|                                           |                                       | S. 64 (4) am. ( <i>prosp.</i> ) ...               | 64, s. 10 (2).                                                   |
|                                           |                                       | S. 65 am. ( <i>prosp.</i> ) ...                   | 64, s. 4 (4).                                                    |
|                                           |                                       | mod. ( <i>prosp.</i> ) ...                        | 64, s. 6 (7), sch. 1 Pt. I.                                      |
|                                           |                                       | am. ( <i>prosp.</i> ) ...                         | 64, ss. 5 (1), 11 (2), 86 (2) ( <i>a</i> ), sch. 1 Pt. III.      |
|                                           |                                       | S. 66 (1) am. ( <i>prosp.</i> ) ...               | 64, ss. 5 (1), 11 (2), 86 (2) ( <i>a</i> ), sch. 1 Pt. III.      |
|                                           |                                       | S. 66 (2) rep. ( <i>prosp.</i> ) ...              | 64, ss. 10 (6), 86 (3), sch. 5 Pt. I.                            |
|                                           |                                       | S. 66 (3) rep. ( <i>prosp.</i> ) ...              | 64, s. 86 (3), sch. 5 Pt. I.                                     |
|                                           |                                       | S. 67 am. ( <i>prosp.</i> ) ...                   | 64, ss. 5 (1), 11 (2), 86 (2) ( <i>a</i> ), sch. 1 Pt. III.      |
|                                           |                                       | Ss. 68 rep., 69 rep. ( <i>prosp.</i> )            | 64, ss. 11 (1), 86 (3), schs. 1 para. 7, 5 Pt. I.                |
|                                           |                                       | S. 70 (1) am. and rep. in pt. ( <i>prosp.</i> )   | 64, ss. 10 (4), 86 (3), sch. 5 Pt. I.                            |
|                                           |                                       | S. 70 (1) ( <i>c</i> ) subst. ( <i>prosp.</i> )   | 64, s. 10 (5).                                                   |
|                                           |                                       | Ss. 70 (2), 71 am. ( <i>prosp.</i> )              | 64, ss. 5 (1), 11 (2), 86 (2) ( <i>a</i> ), sch. 1 Pt. III.      |
|                                           |                                       | S. 76 (1) ( <i>a</i> ) rep. ...                   | 64, ss. 51 (9), 86 (3), sch. 5 Pt. II.                           |
|                                           |                                       | S. 83 (1) subst. by s. 83 (1) (1A).               | 64, s. 35 (2).                                                   |
|                                           |                                       | S. 83 (2) am. ...                                 | 64, s. 36 (4).                                                   |
|                                           |                                       | S. 83 (3) am. ...                                 | 64, s. 36 (1).                                                   |
|                                           |                                       | S. 83 (4) added ...                               | 64, s. 35 (3).                                                   |
|                                           |                                       | S. 89 expld. ...                                  | 64, s. 80.                                                       |
|                                           |                                       | S. 90 (2) am. ( <i>prosp.</i> ) ...               | 64, ss. 5 (3), 11 (2), 86 (3), sch. 1 Pt. III.                   |

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| 26 Geo. 5 & 1 Edw. 8: c. 49— <i>cont.</i> | Public Health Act, 1936— <i>cont.</i> | <p style="text-align: center;">excl. ... ..</p> <p>S. 90 (3) am. (<i>prosp.</i>) ... ..</p> <p>S. 92 (1) (<i>d</i>) am. ... ..</p> <p>S. 93 ext. ... ..</p> <p>S. 119 saved ... ..</p> <p>S. 137 (1) am. (<i>prosp.</i>) ... ..</p> <p>S. 138 (3) am. ... ..</p> <p>S. 154 ext. ... ..</p> <p>S. 249 (3) rep. ... ..</p> <p>S. 263 excl. ... ..</p> <p>S. 269 (8) (i) am. (<i>prosp.</i>) ... ..</p> <p>Pt. XII appl. in pt. (mod.) ... ..</p> <p>S. 278 am. ... ..</p> <p>S. 278 (2) appl. ... ..</p> <p>Ss. 279, 282 saved ... ..</p> <p>S. 284 (2) am. (<i>prosp.</i>) ... ..</p> <p>S. 287 am. ... ..</p> <p style="padding-left: 2em;">ext. ... ..</p> <p>S. 287 (1) am. (<i>prosp.</i>) ... ..</p> <p>S. 287 (2) ext. ... ..</p> <p>S. 288 am. (<i>prosp.</i>) ... ..</p> <p>S. 290 (2)—(7) appl. (mod.) ... ..</p> <p>S. 290 (2) expld. ... ..</p> <p>S. 290 (3) am. ... ..</p> <p>S. 290 (4) expld. ... ..</p> <p>S. 290 (6) am. ... ..</p> <p>S. 299 am. (<i>prosp.</i>) ... ..</p> <p>Ss. 300–302 appl. (mod.) ... ..</p> <p>S. 300 (2) excl. ... ..</p> <p>S. 313 saved ... ..</p> <p>Ss. 331, 334 am. ... ..</p> <p>S. 343 (1) rep. in pt. (<i>prosp.</i>) ... ..</p> <p style="padding-left: 2em;">am. (<i>prosp.</i>) ... ..</p> | <p>64, s. 12 (12), sch. 2 para. 6.</p> <p>64, ss. 11 (2), 86 (3), sch. 1 Pt. III.</p> <p>64, s. 72.</p> <p>64, s. 26 (1).</p> <p>48, s. 31 (7).</p> <p>64, ss. 5 (1), 11 (2), 86 (2) (a), sch. 1 Pt. III.</p> <p>64, s. 78.</p> <p>64, s. 42.</p> <p>64, ss. 79, 86 (3), sch. 5 Pt. II.</p> <p>63, s. 6 (3).</p> <p>64, ss. 5 (1), 11 (2), 86 (2) (a), sch. 1 Pt. III.</p> <p>64, ss. 27 (3), 29 (9) (10), 30 (6), 32 (2), 46 (4), 73 (4).</p> <p>64, s. 54 (7).</p> <p>64, ss. 25 (7), 41 (2)</p> <p>64, ss. 19 (3), 29 (6).</p> <p>64, ss. 5 (3), 11 (2), 86 (2) (a), sch. 1 Pt. III.</p> <p>64, ss. 75 (6), 77 (2).</p> <p>64, s. 67 (2).</p> <p>64, ss. 5 (3), 11 (2), 86 (2) (a), sch. 1 Pt. III.</p> <p>64, s. 38 (2).</p> <p>64, ss. 5 (3), 11 (2), 86 (2) (a), sch. 1 Pt. III.</p> <p>48, s. 28 (5).</p> <p>64, s. 27 (3).</p> <p>64, ss. 21, 29 (10) (11), 32 (3)–(5).</p> <p>64, s. 27 (3).</p> <p>64, s. 46 (4).</p> <p>64, ss. 5 (3), 11 (2), 86 (2) (a), sch. 1 Pt. III.</p> <p>48, s. 28 (6).</p> <p>64, s. 36 (3).</p> <p>64, s. 82 (6).</p> <p>64, s. 54 (9).</p> <p>64, s. 86 (3), sch. 5 Pt. I.</p> <p>64, ss. 5 (1), 11 (2), 86 (2) (a), sch. 1 Pt. III.</p> |

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| 26 Geo. 5 & 1 Edw. 8.<br>c. 50 ... ..                                               | Public Health (London) Act, 1936.                                                                                                                    | Ss. 106, 128-129 excl. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 34, s. 184 (3).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 1 Edw. 8 & 1 Geo. 6:<br>c. 5 ... ..<br>c. 35 ... ..<br>c. 38 ... ..<br>c. 40 ... .. | Trunk Roads Act, 1936<br>Statutory Salaries Act, 1937.<br>Ministers of the Crown Act, 1937.<br>Public Health (Drainage of Trade Premises) Act, 1937. | Ss. 3, 6 ext. (E.)...<br>S. 2 (1) rep. in pt. ...<br>S. 6 expld. ... ..<br>Power to ext. ... ..<br>Ext. ... ..<br>Expld. ... ..<br>S. 1 mod. ... ..<br>S. 1 (1) rep. in pt. ... ..<br>ext. ... ..<br>excl. ... ..<br>S. 1 (2) ext. ... ..<br>S. 2 mod. ... ..<br>S. 2 (3) am. ... ..<br>S. 2 (3) ext. ... ..<br>S. 2 (3) ext. ... ..<br>rep. in pt. ... ..<br>S. 2 (5) ext. ... ..<br>S. 3 am. ... ..<br>ext. ... ..<br>appl. ... ..<br>S. 3 (1) rep. in pt., 3 (3) rep.<br>S. 4 (1) ext. ... ..<br>excl. ... ..<br>mod. ... ..<br>S. 4 (2) ext. ... ..<br>excl. ... ..<br>mod. ... ..<br>S. 4 (4). Power to restr.<br>S. 4 (5) ext. ... ..<br>S. 4 (5) proviso rep. ... ..<br>S. 5 rep. ... ..<br>Ss. 6 rep., 7 (1) (4) rep. in pt., 8 rep.<br>S. 10 (2) am. ... ..<br>S. 12 (1) expld. ... ..<br>S. 14 (1) expld. so far as defining "trade effluent".<br>Sch. rep. ... .. | 63, s. 2 (2).<br>55, s. 9 (4), sch. 3 Pt. II.<br>30, s. 3 (2).<br>64, s. 64.<br>64, s. 66 (2).<br>64, s. 69 (1).<br>64, s. 63 (2)-(4).<br>64, s. 86 (3), sch. 5 Pt. II.<br>64, s. 65 (5).<br>64, s. 65 (6).<br>64, s. 84 (1).<br>64, s. 63 (2)-(4).<br>64, s. 59.<br>64, s. 60.<br>64, s. 62.<br>64, ss. 59 (1), 86 (3), sch. 5 Pt. II.<br>64, s. 57 (8).<br>64, s. 61.<br>64, s. 66 (1).<br>64, s. 65 (5).<br>64, s. 86 (3), sch. 5 Pt. II.<br>64, s. 55.<br>64, s. 56.<br>64, s. 57.<br>64, s. 55.<br>64, s. 56.<br>64, s. 57.<br>64, s. 65 (1) (2).<br>64, s. 66 (1).<br>64, s. 86 (3), sch. 5 Pt. II.<br>64, ss. 58, 86 (3), sch. 5 Pt. II.<br>64, s. 86 (3), sch. 5 Pt. II.<br>64, s. 67 (3).<br>64, s. 69 (2).<br>64, s. 63 (1).<br>64, s. 86 (3), sch. 5 Pt. II. |
| c. 51 ... ..                                                                        | Post Office and Telegraph (Money) Act, 1937.                                                                                                         | Rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 15, s. 14.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| c. 54 ... ..                                                                        | Finance Act, 1937 ...                                                                                                                                | S. 32 rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 15, s. 28 (1), sch.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| c. 67 ... ..                                                                        | Factories Act, 1937 ...                                                                                                                              | Rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 34, s. 183 (2), sch. 7.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

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| 1 Edw. 8 & 1<br>Geo. 6:— <i>cont.</i><br>c. 68 ... .. | Local Government Superannuation Act, 1937.                      | Excl. ... ..<br>Appl. (mod.) ... ..<br>S. 10 appl. ... ..<br>S. 17 (1) excl. ... ..<br>S. 35 ext. ... ..                   | S.I. 1961/316, r. 7.<br>S.I. 1961/405, reg. 3.<br>S.I. 1961/1895, r. 14 (2).<br>S.I. 1961/1895, r. 13.<br>S.I. 1961/316, r. 10, 1895, r. 16. |
| c. 69 ... ..                                          | Local Government Superannuation (Scotland) Act, 1937.           | Appl. (mod.) ... ..                                                                                                        | S.I. 1961/206, reg. 3, 492, reg. 3.                                                                                                          |
| c. 70 ... ..                                          | Agriculture Act, 1937 ...                                       | S. 15 expld. ... ..                                                                                                        | 48, s. 38 (3).                                                                                                                               |
| 1 & 2 Geo. 6:<br>c. 40 ... ..                         | Children and Young Persons Act, 1938.                           | Expld. ... ..<br>S. 6 (2) am. ... ..                                                                                       | 39, s. 14 (2), sch. 2 para. 5.<br>39, s. 41 (1) (3), sch. 4.                                                                                 |
| c. 53 ... ..                                          | Hire-Purchase Act, 1938                                         | S. 22 (3) mod. (ss. 1, 3, and s. 21 (1) so far as relating to ss. 1, 3, ext. (S.)).                                        | 56, s. 1.                                                                                                                                    |
| c. 57 ... ..                                          | Imperial Telegraphs Act, 1938.                                  | S. 2 rep. ... ..                                                                                                           | 15, s. 28 (1), sch.                                                                                                                          |
| c. 63 ... ..                                          | Administration of Justice (Miscellaneous Provisions) Act, 1938. | S. 2 (2) (d) am. ... ..                                                                                                    | xiv, s. 8.                                                                                                                                   |
| 2 & 3 Geo. 6:<br>c. 21 ... ..                         | Limitation Act, 1939 ...                                        | S. 27 (3) (4) appl. ( <i>prosp.</i> )                                                                                      | 27, s. 5 (3).                                                                                                                                |
| c. 22 ... ..                                          | Camps Act, 1939 ...                                             | S. 2 (5) rep. (E.) ...                                                                                                     | 33, s. 40 (3), sch. 5.                                                                                                                       |
| c. 31 ... ..                                          | Civil Defence Act, 1939                                         | S. 33 (4) (a) am. ( <i>prosp.</i> )<br><br>S. 33 (6) rep. in pt. ( <i>prosp.</i> ).<br>S. 33 (7) am. ( <i>prosp.</i> ) ... | 64, ss. 5 (1), 11 (2), 86 (2) (a), sch. 1 Pt. III<br>64, s. 86 (3), sch. 5 Pt. 1.<br>64, ss. 5 (1), 11 (2), 86 (2) (a), sch. 1 Pt. III.      |
| c. 42 ... ..                                          | Post Office and Telegraph (Money) Act, 1939.                    | Rep. ... ..                                                                                                                | 15, s. 14.                                                                                                                                   |
| c. 49 ... ..                                          | House of Commons Members' Fund Act, 1939.                       | S. 1 (3) am., sch. 1 paras. 1, 2 subst., 2A am.                                                                            | S.I. 1961/958.                                                                                                                               |
| c. 55 ... ..                                          | Building Societies Act, 1939.                                   | Sch. Pt. I am. ... ..<br>Sch. Pt. I paras. 4, 6 am.                                                                        | S.Is. 1961/1183, 2245, arts. 1, 2.<br>62, s. 16 (1), sch. 4 para. 2.                                                                         |
| c. 70 ... ..                                          | Ships and Aircraft (Transfer Restriction) Act, 1939.            | Restr. ... ..                                                                                                              | 16, s. 3 (3), sch. 3 para. 11.<br>1 (10 Eliz. 2), s. 3 (4), sch. 2 para. 10.                                                                 |
| c. 89 ... ..                                          | Trading with the Enemy Act, 1939.                               | Saved ... ..                                                                                                               | S.I. 1961/1497.                                                                                                                              |
| c. 117 ... ..                                         | National Loans Act, 1939                                        | Appl. ... ..<br><br>Appl. (E.) ... ..                                                                                      | 15, ss. 9 (3), 14 (3).<br>36, s. 35 (6).<br>49, s. 40 (5).<br>53, s. 1 (7).<br>65, s. 7 (5).                                                 |

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| 3 & 4 Geo. 6:<br>c. 14 ... ..       | Agriculture (Miscellaneous War Provisions) Act, 1940.      | S. 15 (1) rep. in pt. ...                                                                                                                                                 | 48, ss. 38 (4), 54 (2), sch. 2.                                            |
| c. 18 ... ..                        | Customs Duties (Dumping and Subsidies) Act, 1957.          | S. 3 appl. ... ..                                                                                                                                                         | S.I. 1961/2255.                                                            |
| c. 25 ... ..                        | Post Office and Telegraph Act, 1940.                       | S. 4 rep. in pt. ... ..                                                                                                                                                   | 15, ss. 18, 28 (1), sch.                                                   |
| c. 29 ... ..                        | Finance Act, 1940 ...                                      | S. 63 rep. ... ..                                                                                                                                                         | 15, ss. 20, 28 (1), sch.                                                   |
| c. 56 ... ..                        | Workmen's Compensation and Benefit (Byssinosis) Act, 1940. | S. 2 rep. ... ..                                                                                                                                                          | 6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.                                   |
| 5 & 6 Geo. 6:<br>c. 24 ... ..       | Post Office and Telegraph (Money) Act, 1942.               | Rep. ... ..                                                                                                                                                               | 15, s. 14.                                                                 |
| 6 & 7 Geo. 6:<br>c. 6 ... ..        | Workmen's Compensation Act, 1943.                          | S. 2 rep. ... ..                                                                                                                                                          | 6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.                                   |
| c. 16 ... ..                        | Agriculture (Miscellaneous Provisions) Act, 1943.          | Ss. 7, 8 rep. ... ..                                                                                                                                                      | 48, s. 54 (2), sch. 2.                                                     |
| c. 44 ... ..                        | Rent of Furnished Houses Control (Scotland) Act, 1943.     | Cont. as amd. until 31.3.1963.                                                                                                                                            | 4 (10 Eliz. 2), s. 1 (2).                                                  |
| C.A.M. No. 1 ...                    | New Parishes Measure, 1943.                                | S. 14 saved ... ..                                                                                                                                                        | 55, s. 4 (3).                                                              |
| C.A.M. No. 2 ...                    | Episcopal Endowments and Stipends Measure, 1943.           | Excl. ... ..                                                                                                                                                              | C.A.M. No. 1, s. 1 (3).                                                    |
| 7 & 8 Geo. 6:<br>c. 21 ... ..       | Pensions (Increase) Act, 1944.                             | Sch. 1 Pt. I am. (S.) ...<br>am. (E.) ...                                                                                                                                 | S.I. 1961/1398, reg. 85.<br>S.I. 1961/1441, reg. 88.                       |
| c. 26 ... ..                        | Rural Water Supplies and Sewerage Act, 1944.               | S. 2 expld. ... ..                                                                                                                                                        | 29, s. 1 (2).                                                              |
| c. 31 ... ..                        | Education Act, 1944 ...                                    | S. 2 (1) am. ... ..<br>S. 64 rep. (saving) (prosp.)                                                                                                                       | 29, s. 1 (1).<br>45, ss. 12 (1) (2) (4), 29 (2), sch. 5 Pt. I.             |
| c. 47 ... ..                        | Town and Country Planning Act, 1944.                       | S. 114 (2) (a) expld. ...<br>Ss. 18 (2) as appl., 24 (2), and 24 (2) as appl., sch. 4 para. 1 proviso, and sch. 4 para. 1 proviso as appl., am. Sch. 5, as appl., am. ... | 45, s. 12 (6).<br>33, s. 40 (2), sch. 4.<br>33, s. 40 (2) (3), schs. 4, 5. |
| 8 & 9 Geo. 6:<br>c. 12 ... ..       | Northern Ireland (Miscellaneous Provisions) Act, 1945.     | Ss. 4-6 rep. ... ..<br>S. 10 rep. ... ..                                                                                                                                  | 62, s. 16 (2), sch. 5.<br>55, s. 9 (4), sch. 3 Pt. II.                     |
| c. 16 ... ..                        | Limitation (Enemies and War Prisoners) Act, 1945.          | Ss. 2 (1), 4 rep. in pt. (prosp.)                                                                                                                                         | 27, s. 14 (3), sch. 2.                                                     |

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| 8 & 9 Geo. 6:<br>c. 28 ... ..       | Law Reform (Contributory Negligence) Act, 1945.           | Ss. 1 (7), 6 (1) rep., 6 (2) rep. in pt. ( <i>prosp.</i> )                                                                                                                                                                                                               | 27, s. 14 (3) sch. 2.                                                                                                                                                                                               |
| c. 41 ... ..                        | Family Allowances Act, 1945.                              | Appl. (mod.) (Germany)<br><br>S. 2 (1) (c) subst. ...<br>Ss. 2 (2) (a) rep. in pt....<br><br>S. 11 (1) (a) am. ...<br><br>Ss. 14, 15 rep., 17 (2) rep. in pt., 17 (3) rep.<br><br>S. 20 excl. ... ..<br>S. 23 am. (definition of "apprentice").<br>S. 28 (2) rep. ... .. | S.I. 1961/1202, art. 2.<br>6 (10 Eliz. 2), s. 8.<br>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.<br>39, s. 41 (1) (3), sch. 4.<br>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.<br>15, s. 28 (1), sch. 6 (10 Eliz. 2), s. 8. |
| c. 42 ... ..                        | Water Act, 1945 ...                                       | Sch. 3, ss. 19, 20 saved<br><br>Sch. 3, s. 74 (3) am. ...                                                                                                                                                                                                                | 48, s. 31 (7), 64, s. 29 (7).<br>62, s. 16 (1), sch. 4 para. 3.                                                                                                                                                     |
| C.A.M. No. 2 ...                    | Episcopal Pensions Measure, 1945.                         | Rep. ... ..                                                                                                                                                                                                                                                              | C.A.M. No. 3, s. 48 (1), sch. 3.                                                                                                                                                                                    |
| 9 & 10 Geo. 6:                      |                                                           |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                     |
| c. 13 ... ..                        | Finance (No. 2) Act, 1945                                 | Sch. 5 paras. 1, 4 mod.                                                                                                                                                                                                                                                  | 36, s. 32 (4).                                                                                                                                                                                                      |
| c. 27 ... ..                        | Bank of England Act, 1946.                                | Sch. 2 para. 4 am. ...                                                                                                                                                                                                                                                   | 15, s. 28 (1), sch.                                                                                                                                                                                                 |
| c. 31 ... ..                        | Ministers of the Crown (Transfer of Functions) Act, 1946. | Expld. ... ..<br>S. 1 am. ... ..                                                                                                                                                                                                                                         | 30, s. 1 (3).<br>30, s. 1 (3).                                                                                                                                                                                      |
| c. 34 ... ..                        | Furnished Houses (Rent Control) Act, 1946.                | Cont. as amd. until 31.3.1963.                                                                                                                                                                                                                                           | 4 (10 Eliz. 2), s. 1 (2).                                                                                                                                                                                           |
| c. 36 ... ..                        | Statutory Instruments Act, 1946                           | Appl. ... ..                                                                                                                                                                                                                                                             | 14, s. 10 (7).<br>17, s. 4 (6), sch. 2 para. 3.<br>2 (10 Eliz. 2), s. 1 (3).                                                                                                                                        |
| c. 42 ... ..                        | Water (Scotland) Act, 1946.                               | Sch. 4 Pt. III s. 10 (3)-(5) incorp. (mod.).                                                                                                                                                                                                                             | S.I. 1961/73.                                                                                                                                                                                                       |
| c. 49 ... ..                        | Acquisition of Land (Authorisation Procedure) Act, 1946.  | Appl. ... ..<br>S. 1 (3), sch. 2 am. ...                                                                                                                                                                                                                                 | 48, s. 34 (2).<br>33, s. 40 (2), sch. 4.                                                                                                                                                                            |
| c. 51 ... ..                        | Post Office and Telegraph (Money) Act, 1946.              | Rep. ... ..                                                                                                                                                                                                                                                              | 15, s. 14.                                                                                                                                                                                                          |
| c. 59 ... ..                        | Coal Industry Nationalisation Act, 1946.                  | S. 26 (1) am. ... ..                                                                                                                                                                                                                                                     | 5 (10 Eliz. 2), s. 1 (1).                                                                                                                                                                                           |
| c. 60 ... ..                        | Superannuation Act, 1946                                  | S. 9 (1) expld. (Post Office).                                                                                                                                                                                                                                           | 15, s. 15 (1).                                                                                                                                                                                                      |
| c. 62 ... ..                        | National Insurance (Industrial Injuries) Act, 1946.       | Appl. (mod.) (Germany)<br><br>Appl. (mod.) (Turkey) ...<br>Ext. ... ..<br>S. 6 para. (b) rep. in pt.<br><br>S. 13 am. ... ..                                                                                                                                             | S.I. 1961/1202, art. 2.<br>S.I. 1961/584.<br>6 (10 Eliz. 2), s. 2.<br>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.<br>6 (10 Eliz. 2), s. 3 (2).                                                                         |



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| 9 & 10 Geo. 6: c. 62— <i>cont.</i>  | National Insurance (Industrial Injuries) Act, 1946.— <i>cont.</i> | S. 14 am. ... ..                                                     | 6 (10 Eliz. 2), s. 3 (1).                                         |
|                                     |                                                                   | S. 17 am. ... ..                                                     | 6 (10 Eliz. 2), s. 3 (3).                                         |
|                                     |                                                                   | S. 22 expld. ... ..                                                  | 6 (10 Eliz. 2), s. 4 (1) (3).                                     |
|                                     |                                                                   | S. 52 (1) proviso restr. ...                                         | 6 (10 Eliz. 2), s. 9 (5) (6).                                     |
|                                     |                                                                   | S. 52 (2) rep. ... ..                                                | 6 (10 Eliz. 2), ss. 9, 14 (4), sch. 2 para. 1 (3), sch. 4 Pt. II. |
|                                     |                                                                   | S. 52 (5) rep. ... ..                                                | 6 (10 Eliz. 2), ss. 9, 14 (4), sch. 2 para. 1 (3), sch. 4 Pt. II. |
|                                     |                                                                   | S. 52 (7) rep. ... ..                                                | 6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. II.                         |
|                                     |                                                                   | S. 54 (4) rep. ... ..                                                | 6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. II.                         |
|                                     |                                                                   | S. 59 (1) (a) rep. in pt. ...                                        | 6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.                          |
|                                     |                                                                   | S. 60 (1) excl. ... ..                                               | 15, s. 28 (1), sch.                                               |
|                                     |                                                                   | S. 60 (2) excl. ... ..                                               | 16, s. 28 (1), sch.                                               |
|                                     |                                                                   | am. ... ..                                                           | 6 (10 Eliz. 2), s. 11 (1)–(4).                                    |
|                                     |                                                                   | S. 60 (2) (a) rep. ... ..                                            | 6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. II.                         |
|                                     |                                                                   | S. 61 (2) mod. ... ..                                                | 6 (10 Eliz. 2), s. 10 (4).                                        |
|                                     |                                                                   | S. 83 ext. ... ..                                                    | 6 (10 Eliz. 2), s. 10 (6).                                        |
|                                     |                                                                   | S. 87 (1) (2) am. ... ..                                             | 6 (10 Eliz. 2), s. 10 (3).                                        |
|                                     |                                                                   | S. 88 (1) rep. so far as defining "hospital or similar institution". | 6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.                          |
|                                     |                                                                   | S. 88 (3) rep. ... ..                                                | 6 (10 Eliz. 2), ss. 4 (2), 14 (4), sch. 4 Pt. II.                 |
|                                     |                                                                   | Ss. 89 (3) (b) (d) rep., 90 para. (a) rep. in pt.                    | 6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.                          |
| c. 67 ... ..                        | National Insurance Act, 1946.                                     | Appl. ... ..                                                         | 36, s. 30 (5) (6), sch. 5.                                        |
|                                     |                                                                   | Appl. (mod.) (Turkey) ...                                            | S.I. 1961/584.                                                    |
|                                     |                                                                   | Appl. (mod.) (Germany)                                               | S.I. 1961/1202, art. 2.                                           |
|                                     |                                                                   | Mod. ... ..                                                          | S.I. 1961/1513, art. 2.                                           |
|                                     |                                                                   | S. 5 (1) am. ... ..                                                  | 6 (10 Eliz. 2), s. 7 (3).                                         |
|                                     |                                                                   | S. 6 (4) (b) rep. ... ..                                             | 6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.                          |
|                                     |                                                                   | S. 19 am. ... ..                                                     | 6 (10 Eliz. 2), s. 6 (1)–(3).                                     |

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| 9 & 10 Geo. 6:<br>c. 67— <i>cont.</i> | National Insurance Act,<br>1946.— <i>cont.</i> | <p>S. 21 (3) am. ... ..</p> <p>S. 27 ext. ... ..</p> <p>S. 36 (1) rep. in pt. ... ..</p> <p>S. 38 am. ... ..</p> <p>S. 38 (1) excl. ... ..</p> <p>S. 38 (2) excl. ... ..</p> <p style="padding-left: 2em;">am. ... ..</p> <p>S. 38 (2) (a) rep. ... ..</p> <p>S. 39 (1) (a) rep. in pt. ... ..</p> <p>S. 45 (4) rep. ... ..</p> <p>S. 47 (1) saved ... ..</p> <p>S. 47 (2) (d), (3) rep. ... ..</p> <p>S. 61 (2) restr. ... ..</p> <p>Ss. 62, 68 (4), 69 (1) (c),<br/>(e), (g), 70 (4) (5), 72<br/>(1) (a), (c), 73, 74 (4)<br/>rep.</p> <p>S. 76 am. ... ..</p> <p>S. 76 (1) rep. in pt. ... ..</p> <p>S. 76 (3) ext. ... ..</p> <p>S. 77 excl. ... ..</p> <p>S. 79 (d) rep. in pt., sch.<br/>11 rep. so far as relating<br/>to the Workmen's<br/>Compensation and<br/>Benefit (Byssinosis)<br/>Act, 1940 (3 &amp; 4 Geo.<br/>6, c. 56), and the Work-<br/>men's Compensation<br/>Act, 1943 (6 &amp; 7 Geo.<br/>6, c. 6).</p> | <p>6 (10 Eliz. 2), s.<br/>5 (3) (4).</p> <p>6 (10 Eliz. 2), s.<br/>10 (6).</p> <p>6 (10 Eliz. 2), s.<br/>14 (4), sch. 4<br/>Pt. I.</p> <p>6 (10 Eliz. 2), s.<br/>11 (5).</p> <p>15 s. 28 (1), sch.,<br/>15 s. 28 (1), sch.,</p> <p>6 (10 Eliz. 2), s.<br/>11 (1)–(4).</p> <p>6 (10 Eliz. 2), s.<br/>14 (4), sch. 4<br/>Pt. II.</p> <p>6 (10 Eliz. 2), s.<br/>14 (4), sch. 4<br/>Pt. I.</p> <p>6 (10 Eliz. 2), s.<br/>14 (4), sch. 4<br/>Pt. II.</p> <p>6 (10 Eliz. 2), s.<br/>9 (3).</p> <p>6 (10 Eliz. 2), s.<br/>14 (4), sch. 4<br/>Pt. II.</p> <p>6 (10 Eliz. 2), s.<br/>10 (4).</p> <p>6 (10 Eliz. 2), s.<br/>14 (4), sch. 4<br/>Pt. I.</p> <p>6 (10 Eliz. 2), s.<br/>10 (1)–(3).</p> <p>6 (10 Eliz. 2), s.<br/>14 (4), sch. 4<br/>Pt. I.</p> <p>6 (10 Eliz. 2), s.<br/>10 (2).</p> <p>6 (10 Eliz. 2), s.<br/>10 (4).</p> <p>6 (10 Eliz. 2), s.<br/>14 (4), sch. 4<br/>Pt. I.</p> |
| c. 68 ... ..                          | New Towns Act, 1946 ...                        | <p>Mod. ... ..</p> <p>S. 4 (7) rep. (E.) ... ..</p> <p>S. 9 (3) ext. ... ..</p> <p>Sch. 4 rep. so far as<br/>relating to para. 9 of<br/>sch. 5 of the Town and<br/>Country Planning Act,<br/>1944 (7 &amp; 8 Geo. 6,<br/>c. 47).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>33, s. 10, sch. 2<br/>para. 2.</p> <p>33, s. 40 (3).<br/>sch. 5.</p> <p>64, s. 84 (1).</p> <p>33, s. 40 (3),<br/>sch. 5.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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| 9 & 10 Geo. 6:<br>c. 72 ... ..      | Education (Scotland) Act, 1946.                                     | S. 103 mod. ... ..<br>S. 106 appl. (mod.) ... ..<br>Sch. 3 Pt. II para. 14 am.<br>Sch. 4 appl. (mod.) ... ..                                                                                                                                                                       | S.I. 1961/504, reg. 3.<br>S.I. 1961/324, reg. 3.<br>S.I. 1961/324, reg. 3 (2).<br>S.I. 1961/324, reg. 3.      |
| c. 73 ... ..                        | Hill Farming Act, 1946                                              | S. 2 (4) am. ... ..                                                                                                                                                                                                                                                                | S.I. 1961/869.                                                                                                |
| c. 76 ... ..                        | Unemployment Insurance (Eire Volunteers) Act, 1946.                 | Rep. ... ..                                                                                                                                                                                                                                                                        | 6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.                                                                      |
| c. 81 ... ..                        | National Health Service Act, 1946.                                  | S. 80 (3) ext. ... ..<br>Sch. 3 Pt. IV para. 2 (c) head (ii) subst. by para. 2 (c) heads (ii) and (iii).<br>Sch. 3 Pt. IV para. 5. Power to restr.<br>Sch. 3 Pt. IV para. 5 ext.<br>Sch. 5 para. 3 proviso subst.<br>Sch. 5 para. 7. Power to restr.<br>Sch. 5 para. 7 ext. ... .. | 19, s. 5 (5).<br>43, s. 4.<br>43, s. 6 (1).<br>43, s. 6 (2).<br>43, s. 5.<br>43, s. 6 (1).<br>43, s. 6 (2).   |
| 10 & 11 Geo. 6:                     |                                                                     |                                                                                                                                                                                                                                                                                    |                                                                                                               |
| c. 14 ... ..                        | Exchange Control Act, 1947.                                         | Sch. 1 am. ... ..                                                                                                                                                                                                                                                                  | S.I. 1961/276, 2293, 2446.                                                                                    |
| c. 22 ... ..                        | Civic Restaurants Act, 1947.                                        | S. 1 (1) proviso (iii) rep.                                                                                                                                                                                                                                                        | 61, s. 38 (3), sch. 9 Pt. II.                                                                                 |
| c. 27 ... ..                        | National Health Service (Scotland) Act, 1947.                       | Sch. 4 Pt. IV para. 2 (c) head (ii) subst. by para. 2 (c) heads (ii) and (iii).<br>Sch. 4 Pt. IV para. 5 restr.<br>Sch. 4 Pt. IV para. 5 ext.<br>Sch. 6 para. 4 proviso subst.<br>Sch. 6 para. 8. Power to restr.<br>Sch. 6 para. 8 ext. ... ..                                    | 43, s. 4.<br>43, s. 6 (3).<br>43, s. 6 (4).<br>43, s. 5.<br>43, s. 6 (3).<br>43, s. 6 (4).                    |
| c. 36 ... ..                        | Education (Exemptions) (Scotland) Act, 1947.                        | Cont. until 31.12.1962 ... ..                                                                                                                                                                                                                                                      | 4 (10 Eliz. 2), s. 1 (1).                                                                                     |
| c. 39 ... ..                        | Statistics of Trade Act, 1947.                                      | S. 14 (1) (2) rep. ( <i>prosp.</i> )                                                                                                                                                                                                                                               | 64, ss. 10 (1), 86 (3), sch. 5 Pt. I.                                                                         |
| c. 42 ... ..                        | Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947. | Appl. ... ..                                                                                                                                                                                                                                                                       | 41, s. 7.                                                                                                     |
| c. 43 ... ..                        | Local Government (Scotland) Act, 1947.                              | S. 119 (2)-(4) appl. ... ..<br>Ss. 301-303 appl. ... ..<br>S. 339 (1A) added ... ..<br>S. 342 appl. ... ..                                                                                                                                                                         | 41, s. 5 (2).<br>34, s. 46 (6).<br>32, s. 1.<br>S.I. 1961/505, regs. 12, 17, 669, regs. 14, 20, 1322, reg. 4. |
|                                     |                                                                     | S. 355 (2)-(9) appl.                                                                                                                                                                                                                                                               | 41, s. 4 (5), sch. 2 para. 6.<br>58, s. 8 (7), sch. 2 Pt. I para. 6.                                          |

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| 10 & 11 Geo. 6:<br>c. 44 ... ..     | Crown Proceedings Act, 1947.                    | S. 9 (2) proviso paras. (c) (d), 9 (5) am., 9 (7) rep. so far as defining "Post Office Regulations".                                                                                                                                                                                                                                                                                                     | 15, s. 28 (1), sch.                                                                                                                                                                                                                                                                                                                                                                                              |
| c. 48 ... ..                        | Agriculture Act, 1947 ...                       | S. 40 (2) (e) rep. (E.) (3.8.1964).                                                                                                                                                                                                                                                                                                                                                                      | 63, s. 1 (6) (8).                                                                                                                                                                                                                                                                                                                                                                                                |
| c. 51 ... ..                        | Town and Country Planning Act, 1947.            | S. 103 am. ... ..<br>Sch. 9 para. 16 (1) mod.<br>Sch. 9 para. 16A appl. ...<br>Ss. 5 (2) (b), 9 mod. ...<br>S. 29 saved ... ..<br>Pt. IV (ss. 37-49) mod.                                                                                                                                                                                                                                                | 48, s. 48 (3).<br>48, s. 47 (1).<br>48, s. 47 (2).<br>49, s. 19.<br>64, s. 45 (7).<br>33, s. 10, sch. 2 para. 2.                                                                                                                                                                                                                                                                                                 |
| c. 53 ... ..                        | Town and Country Planning (Scotland) Act, 1947. | S. 37 mod. ... ..<br>S. 45 (5) saved ... ..<br>S. 45 (7) (b) mod. ...<br>Ss. 50, 54, 56, 57 rep. ...                                                                                                                                                                                                                                                                                                     | 49, s. 19.<br>33, s. 11.<br>49, s. 19.<br>33, s. 40 (3), sch. 5.                                                                                                                                                                                                                                                                                                                                                 |
| c. 54 ... ..                        | Electricity Act, 1947 ...                       | S. 118 (1) ext. ... ..<br>S. 118 (2) rep. ... ..<br>Sch. 3 appl. ... ..<br>Sch. 4 para. 3 appl. (mod.)<br>Sch. 7 rep. ... ..                                                                                                                                                                                                                                                                             | 49, s. 52.<br>33, s. 40 (3), sch. 5.<br>33, s. 15 (3) (4).<br>49, s. 24 (6).<br>33, s. 40 (3), sch. 5.                                                                                                                                                                                                                                                                                                           |
| 11 & 12 Geo. 6:<br>c. 7 ... ..      | Ceylon Independence Act, 1947.                  | Pt. II saved ... ..<br>appl. (mod.) ... ..                                                                                                                                                                                                                                                                                                                                                               | 41, s. 3 (3) (d).<br>S.I. 1961/195, reg. 33.                                                                                                                                                                                                                                                                                                                                                                     |
| c. 9 ... ..                         | Finance (No. 2) Act, 1947                       | Ss. 27, 28 saved ... ..<br>Expld. (E.) ... ..<br>S. 2 (9) ext. (E.) ... ..                                                                                                                                                                                                                                                                                                                               | 41, s. 3 (3) (a).<br>8, s. 1 (3), sch.<br>8, s. 1 (2) (3), sch.                                                                                                                                                                                                                                                                                                                                                  |
| c. 16 ... ..                        | Post Office and Telegraph (Money) Act, 1948.    | Sch. 2 para. 4 rep. ... ..                                                                                                                                                                                                                                                                                                                                                                               | 62, s. 16 (2), sch. 5.                                                                                                                                                                                                                                                                                                                                                                                           |
| c. 24 ... ..                        | Police Pensions Act, 1948                       | S. 6 (5) expld. ... ..<br>S. 6 (6) appl. ... ..<br>Rep. ... ..                                                                                                                                                                                                                                                                                                                                           | 36, s. 4 (1).<br>36, s. 4 (3).<br>15, s. 14.                                                                                                                                                                                                                                                                                                                                                                     |
| c. 26 ... ..                        | Local Government Act, 1948.                     | S. 1 am. ( <i>retrosp.</i> ) ... ..<br>S. 2 (2) am. ... ..<br>S. 8 (2) appl. (mod.) ... ..<br>S. 33 mod. ... ..<br>S. 39 (2) am. ... ..<br>S. 40 ext. ... ..<br>S. 41 (4)-(7) expld. ... ..<br>S. 41 (6) am. ( <i>prosp.</i> ) ... ..<br>S. 41 (7) appl. ... ..<br>S. 42 mod. ... ..<br>appl. ... ..<br>S. 42 (1) mod. ... ..<br>S. 42 (2) expld. ... ..<br>S. 42 (2) (c) rep. in pt. ( <i>prosp.</i> ). | 35, s. 1 (1).<br>35, s. 1 (3).<br>35, s. 1 (4).<br>45, s. 25, sch. 4 para. 3 (1).<br>45, s. 25, sch. 4 para. 12.<br>45, s. 25, sch. 4 para. 4.<br>45, s. 25, sch. 4 para. 5 (1) (a).<br>45, s. 25, sch. 4 para. 5 (3).<br>45, s. 25, sch. 4 para. 5 (1) (b).<br>45, ss. 20 (9), 22 (5), sch. 3 para. 5.<br>45, s. 25, sch. 4 para. 3.<br>45, ss. 6 (7), 19 (5).<br>45, s. 9 (2).<br>45, s. 29 (2), sch. 5 Pt. I. |

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| 11 & 12 Geo. 6:<br>c. 26— <i>cont.</i> | Local Government Act,<br>1948— <i>contd.</i>         | S. 42 (3) mod. ... ..                           | 45, s. 25, sch. 4 para. 6.                                       |
|                                        |                                                      | S. 49 am. ... ..                                | 45, s. 25, sch. 4 para. 7.                                       |
|                                        |                                                      | S. 56 rep. in pt. ( <i>prosp.</i> )             | 45, ss. 9 (3), 29 (2), sch. 5 Pt. I.                             |
|                                        |                                                      | S. 56 expld. ( <i>prosp.</i> ) ...              | 45, s. 9.                                                        |
|                                        |                                                      | S. 64 mod. ... ..                               | 45, s. 25, sch. 4 para. 8.                                       |
|                                        |                                                      | S. 66 appl. ... ..                              | 45, s. 25, sch. 4 para. 5 (4).                                   |
|                                        |                                                      | S. 71 am. ... ..                                | 45, s. 25, sch. 4 para. 10.                                      |
|                                        |                                                      | S. 111 (2) rep. in pt. ...                      | 43, s. 3 (1).                                                    |
|                                        |                                                      | S. 113 appl. ... ..                             | 48, s. 42 (1).                                                   |
|                                        |                                                      | S. 113 (1) proviso para. (a) subst.             | 43, s. 1.                                                        |
|                                        |                                                      | S. 113 (1) proviso para. (b) rep.               | 43, s. 1 (2).                                                    |
|                                        |                                                      | S. 113 (1) proviso para. (c) subst.             | 43, s. 1.                                                        |
|                                        |                                                      | S. 115 proviso rep. ...                         | 43, s. 3 (1).                                                    |
|                                        |                                                      | S. 118 (5) am. ... ..                           | 43, s. 2.                                                        |
|                                        |                                                      | S. 118 (6A) added ... ..                        | 43, s. 3 (2).                                                    |
|                                        | S. 122 rep. ( <i>prosp.</i> ) ...                    | 45, ss. 15 (2) (5), 29 (2), sch. 5 Pt. I.       |                                                                  |
| c. 29 ... ..                           | National Assistance Act,<br>1948.                    | S. 61 (1) (e) am. ... ..                        | 15, s. 28 (1), sch.                                              |
| c. 32 ... ..                           | River Boards Act, 1948                               | S. 2 (2) mod. ... ..                            | 48, s. 15 (1).                                                   |
|                                        |                                                      | S. 6 (3) ext. ... ..                            | 48, s. 3 (4).                                                    |
|                                        |                                                      | S. 6 (4) expld. ... ..                          | 48, s. 3 (3).                                                    |
|                                        |                                                      | S. 9 (8) am. ... ..                             | 50, ss. 3 (2), 9 (5).                                            |
|                                        |                                                      | S. 9 (8) proviso excl. ...                      | 50, s. 3 (2) (3).                                                |
|                                        |                                                      | S. 10 (1) am. ... ..                            | 48, s. 33, sch. 1 Pt. II para. 30 (1).                           |
|                                        |                                                      | S. 10 (4) subst. ... ..                         | 48, s. 33, sch. 1 Pt. II para. 30 (2).                           |
|                                        |                                                      | S. 11 (2) (c) am. ... ..                        | 48, s. 33, sch. 1 Pt. II para. 31.                               |
|                                        |                                                      | S. 13 am. ... ..                                | 48, s. 43.                                                       |
|                                        |                                                      | S. 15 ext. ... ..                               | 50, s. 10 (2).                                                   |
|                                        |                                                      | S. 15 (2) ext. and expld.                       | 50, s. 10 (6).                                                   |
|                                        |                                                      | S. 16 (4) (6) am. ... ..                        | 48, s. 33, sch. 1 Pt. II para. 32.                               |
|                                        |                                                      | S. 19 (3) ext. ... ..                           | S.I. 1961/2354.                                                  |
|                                        |                                                      | S. 19 (4)–(7) appl. ... ..                      | S.I. 1961/2354.                                                  |
|                                        |                                                      | Sch. 1 para. 2 am. ... ..                       | 48, s. 33, sch. 1 Pt. II para. 33.                               |
|                                        |                                                      | Sch. 2 para. 3 excl. ... ..                     | 48, s. 15 (1).                                                   |
|                                        |                                                      | am. ... ..                                      | 48, s. 33, sch. 1 Pt. II para. 34.                               |
|                                        |                                                      | Sch. 2 para. 7 (c) am. ...                      | 48, s. 33, sch. 1 Pt. II para. 35.                               |
|                                        | Sch. 2 para. 14 rep. in pt.                          | 48, ss. 33, 54 (2), schs. 1 Pt. II para. 36, 2. |                                                                  |
| c. 33 ... ..                           | Superannuation (Miscellaneous Provisions) Act, 1948. | S. 17 (1) expld. (Post Office).                 | 15, s. 15 (1).                                                   |

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| 11 & 12 Geo. 6:<br>c. 38 ... ..     | Companies Act, 1948 ...                             | Ss. 104, 105 restr. (S.) ...<br>Pt. IIIA (ss. 106A—106K) added (S.).<br>S. 106A saved ... ..<br>Pt. V am. (S.) ... ..<br>S. 222 am. (S.) ... ..<br>S. 318 proviso added ...<br>S. 319 (5) saved (S.) ...<br><br>S. 319 (5) (b) am. (S.) ...<br>S. 322 saved (S.) ... ..<br>S. 399 (5) am. (S.) ... ..<br>S. 455 (1) am. ... ..<br>Sch. 15 am. (S.) ... ..                                                                                                     | 46, s. 6, sch. 2,<br>46, s. 6, sch. 2.<br><br>46, s. 1 (2).<br>46, s. 1 (2) (3).<br>46, s. 4 (1).<br>46, s. 7.<br>46, ss. 1 (2) (3),<br>5 (5).<br>46, s. 7.<br>46, s. 1 (2).<br>46, s. 4 (1).<br>46, s. 7.<br>46, s. 7.                                                                                                                                                  |
| c. 42 ... ..                        | National Insurance (Industrial Injuries) Act, 1948. | Ext. ... ..<br>S. 1 (1) rep. in pt., 1 (2) rep.                                                                                                                                                                                                                                                                                                                                                                                                               | 6 (10 Eliz. 2), s. 2.<br>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.                                                                                                                                                                                                                                                                                                        |
| c. 43 ... ..                        | Children Act, 1948 ...                              | S. 6 (4) am. and rep. in pt.                                                                                                                                                                                                                                                                                                                                                                                                                                  | 39, s. 41, schs. 4, 5.                                                                                                                                                                                                                                                                                                                                                   |
| c. 44 ... ..                        | Merchant Shipping Act, 1948.                        | S. 6 (2) proviso am.                                                                                                                                                                                                                                                                                                                                                                                                                                          | 16, s. 3 (3), sch. 3 para. 9.<br>1 (10 Eliz. 2), s. 3 (4), sch. 2 para. 8.                                                                                                                                                                                                                                                                                               |
| c. 46 ... ..                        | Employment and Training Act, 1948.                  | S. 21 (3) (5) rep.                                                                                                                                                                                                                                                                                                                                                                                                                                            | 6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.                                                                                                                                                                                                                                                                                                                                 |
| c. 49 ... ..                        | Finance Act, 1948 ...                               | S. 24 expld. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                           | 36, s. 9 (8).                                                                                                                                                                                                                                                                                                                                                            |
| c. 55 ... ..                        | Factories Act, 1948 ...                             | Rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 34, s. 183 (2), sch. 7.                                                                                                                                                                                                                                                                                                                                                  |
| c. 56 ... ..                        | British Nationality Act, 1948.                      | Pt. III appl. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                          | 16, s. 2 (10).<br>1 (10 Eliz. 2), s. 2 (10).<br>1 (10 Eliz. 2), s. 2 (1).<br>16, s. 2 (1).<br>1 (10 Eliz. 2), s. 2 (1).<br>16, s. 2 (6).<br>1 (10 Eliz. 2), s. 2 (6).                                                                                                                                                                                                    |
| c. 58 ... ..                        | Criminal Justice Act, 1948.                         | Ss. 6(3)(a), S. (5)–(7) ext.<br>Ss. 14, 15 am. and expld.<br>S. 17 am. ( <i>prosp.</i> ) ... ..<br>S. 17 (1) am. ( <i>prosp.</i> ) ...<br>S. 18 rep. ( <i>prosp.</i> ) ... ..<br>S. 19 am. ... ..<br><br>rep. in pt. ... ..<br>S. 20 (1) am. and re-enacted.<br><br>S. 20 (4)–(6) re-enacted ( <i>prosp.</i> ).<br>S. 20 (5) (a) (b) am. ( <i>prosp.</i> ).<br>S. 20 (7) (8) rep. ( <i>prosp.</i> )<br><br>S. 22 rep. ... ..<br><br>S. 23 (1) rep. in pt. ... | 39, s. 9.<br>39, s. 5 (5).<br>39, ss. 4 (1), 5 (1).<br>39, s. 2 (2).<br>39, s. 41, schs. 4, 5, sch. 4.<br>39, ss. 10, 41, sch. 4.<br>39, s. 41, sch. 5.<br>39, ss. 1 (1)–(3), 41 (1) (3) (4), schs. 4, 6.<br>39, s. 41 (4), sch. 6.<br>39, s. 41 (1) (3), sch. 4.<br>39, ss. 1 (5), 41 (2) (3), sch. 5.<br>39, ss. 21, 41 (2) (3), sch. 5.<br>39, s. 41 (2) (3), sch. 5. |

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| 11 & 12 Geo. 6 :<br>c. 58— <i>cont.</i> | Criminal Justice Act, 1948.— <i>cont.</i>          | S. 38 (4) am. and rep. in pt.<br>Ss. 39 (2), 48 (2) am. ...<br>S. 52 (2) rep. ...<br>S. 72 (1) am. ...<br>S. 72 (2) am. and rep. in pt.<br>S. 80 (1) (4) am. ( <i>prosp.</i> ) | 39, s. 41, schs. 4, 5.<br>39, s. 41 (1) (3), sch. 4.<br>39, s. 41, schs. 4, 5.<br>39, s. 41, sch. 4.<br>39, s. 41, schs. 4, 5.<br>39, s. 41 (1) (3), sch. 4. |
| c. 63 ...                               | Agricultural Holdings Act, 1948.                   | S. 87 (3) rep. ...                                                                                                                                                             | 55, s. 9 (4), sch. 3 Pt. II.                                                                                                                                 |
| c. 67 ...                               | Gas Act, 1948 ...                                  | Sch. 3 para. 32 mod. ...                                                                                                                                                       | 50, ss. 2 (2), 4 (1).                                                                                                                                        |
| C.A.M. No. 1 ...                        | Clergy Pensions Measure, 1948.                     | Rep. ...                                                                                                                                                                       | C.A.M. No. 3, s. 48 (1), sch. 3.                                                                                                                             |
| 12, 13 & 14 Geo. 6:                     |                                                    |                                                                                                                                                                                |                                                                                                                                                              |
| c. 1 ...                                | Colonial Stock Act, 1948                           | S. 1 ext. ...<br>S. 2 (3) rep. ...                                                                                                                                             | S.I. 1961/2319.<br>62, s. 16 (2), sch. 5.                                                                                                                    |
| c. 8 ...                                | Recall of Army and Air Force Pensioners Act, 1948. | S. 2 (3) am. ...                                                                                                                                                               | 52, s. 38 (1), sch. 2.                                                                                                                                       |
| c. 14 ...                               | Export Guarantees Act, 1949.                       | S. 2 (2) am. ...                                                                                                                                                               | 3 (10 Eliz. 2), s. 1.                                                                                                                                        |
| c. 25 ...                               | Tenancy of Shops (Scotland) Act, 1949.             | Cont. until 31.12.1962 ...                                                                                                                                                     | 4 (10 Eliz. 2), s. 1 (1).                                                                                                                                    |
| c. 29 ...                               | Consular Conventions Act, 1949.                    | S. 4 (1) appl. ...                                                                                                                                                             | S.I. 1961/1194, art. 3.                                                                                                                                      |
| c. 39 ...                               | Commonwealth Telegraphs Act, 1949.                 | S. 3 rep. ...<br>S. 5 rep. ...<br>Ss. 6 (2) (c) (d) and 7 (1) rep. in pt., 9 (2) rep.                                                                                          | 15, s. 28 (1), sch. 15, s. 14.<br>15, s. 28 (1), sch.                                                                                                        |
| c. 42 ...                               | Lands Tribunal Act, 1949                           | S. 1 (3) (b), (4) both rep. in pt. (E.).<br>S. 1 (6) am. (E.) ...<br>Ss. 1 (7), 3 (7), 5 rep. (E.), 7 (1) rep. in pt. (E.), sch. 1 rep. (E.).                                  | 33, s. 40 (3), sch. 5.<br>33, s. 40 (2), sch. 4.<br>33, s. 40 (3), sch. 5.                                                                                   |
| c. 44 ...                               | Superannuation Act, 1949                           | Ss. 40 (1) expld. (Post Office), 63 (1) expld. so far as defining "employment in an unestablished capacity" (Post Office).                                                     | 15, s. 15 (1).                                                                                                                                               |
| c. 47 ...                               | Finance Act, 1949 ...                              | S. 15 (4) rep. in pt. (E.)                                                                                                                                                     | 61, s. 38 (3), sch. 9 Pt. I.                                                                                                                                 |
| c. 51 ...                               | Legal Aid and Advice Act, 1949.                    | Apptd. day for commencement of Pt. I, for certain purposes (8.5.61).                                                                                                           | S.I. 1961/554.                                                                                                                                               |
| c. 54 ...                               | Wireless Telegraphy Act, 1949.                     | S. 2 (1) am. ...<br>Ss. 9 (7) am., 17 (1) rep. in pt., sch. 1 para. 3 rep. in pt. and am.                                                                                      | 15, s. 16 (4).<br>15, s. 28 (1), sch.                                                                                                                        |

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| 11 & 12 Geo. 6 :<br>c. 59 ... ..    | Licensing Act, 1949 ...                          | Ss. 26, 27 rep., 42 (1) (2) rep.<br>S. 42 (4) rep. (E.) ...                                                                                                                                                                             | 61, ss. 3 (7), 38 (3), sch. 9 Pt. II.<br>61, s. 38 (3), sch. 9 Pt. II.<br>S.I. 1961/1491.                                                                                                                     |
| c. 63 ... ..                        | Legal Aid (Scotland) Act, 1949.                  | Apptd. day for ss. 1-4, 6 (3)-(7), 14-16 and schs. 1-3 as to legal aid in connection with proceedings before Lands Valuation Appeal Court, and for s. 17 (1) (2), (4) as relating to above provisions (15.8.1961).                      |                                                                                                                                                                                                               |
| c. 67 ... ..                        | Civil Aviation Act, 1949                         | Ss. 42 (6) rep. in pt. ( <i>prosp.</i> ), 54 rep. ( <i>prosp.</i> )                                                                                                                                                                     | 27, s. 14 (3), sch. 2.                                                                                                                                                                                        |
| c. 68 ... ..                        | Representation of the People Act, 1949.          | Ss. 47, 48 (exc. subss. (1) and (4)), 52 (1) (exc. para. (a)) and 52 (5) appl., 53, 99-101 appl. (mod.), 146-148, 151 appl. in pt.<br>Ss. 147, 151 appl. in pt. (mod.).<br>S. 167 (7) am. ... ..<br>Sch. 2 appl. in pt. (local rules).  | 61, s. 6 (8).<br>61, s. 6 (9).<br>xxviii, s. 44.<br>61, s. 6, sch. 2.                                                                                                                                         |
| c. 74 ... ..                        | Coast Protection Act, 1949.                      | S. 34 saved (S.) ... ..<br>Pt. III (ss. 37-40) rep. ...                                                                                                                                                                                 | 41, s. 3 (3) (b).<br>55, s. 9 (4), sch. 3 Pt. I.                                                                                                                                                              |
| c. 75 ... ..                        | Agricultural Holdings (Scotland) Act, 1949.      | S. 1 excl. ... ..<br>S. 86 (3) rep. ... ..                                                                                                                                                                                              | 58, s. 13 (1).<br>55, s. 9 (4), sch. 3 Pt. II.                                                                                                                                                                |
| c. 84 ... ..                        | War Damaged Sites Act, 1949.                     | S. 8 (1) rep. in pt. (E.) ...                                                                                                                                                                                                           | 33, s. 40 (3), sch. 5.                                                                                                                                                                                        |
| c. 85 ... ..                        | Distribution of German Enemy Property Act, 1949. | Ss. 1 (6) (7), 3, 4 saved ...                                                                                                                                                                                                           | S.I. 1961/2030 art. 2.                                                                                                                                                                                        |
| c. 87 ... ..                        | Patents Act, 1949 ...                            | S. 22 (5) am. ... ..<br>S. 46 (3) am. ... ..<br>Sch. 1. Power to am. ... ..<br>Sch. 1 subst. ... ..<br>S. 8 (2) am. ... ..<br>Sch. 1 para. 1 (3) am. ... ..                                                                             | 25, s. 1 (1).<br>15, s. 16 (5).<br>25, s. 2.<br>S.I. 1961/1499.<br>25, s. 1.<br>15, s. 16 (5).                                                                                                                |
| c. 88 ... ..                        | Registered Designs Act, 1949.                    | S. 3 (1) (b) superseded ...                                                                                                                                                                                                             | 36, s. 6 (1), sch. 2 Pt. II.                                                                                                                                                                                  |
| c. 89 ... ..                        | Vehicles (Excise) Act, 1949.                     | S. 10 (3) (4) am. ... ..<br>S. 14 (1) (b), (2) am. ... ..<br>S. 24 (1) (c) am. ... ..<br>Sch. 1 Pt. I superseded ... ..<br>Sch. 2 superseded ... ..<br>Sch. 3 superseded ... ..<br>Sch. 4 superseded ... ..<br>Sch. 5 superseded ... .. | 36, s. 6 (2).<br>36, s. 7.<br>15, s. 28 (1), sch. 36, s. 6 (1), sch. 2 Pt. I.<br>36, s. 6 (1), sch. 2 Pt. II.<br>36, s. 6 (1), sch. 2 Pt. III.<br>36, s. 6 (1), sch. 2 Pt. IV.<br>36, s. 6 (1), sch. 2 Pt. V. |
| c. 94 ... ..                        | Criminal Justice (Scotland) Act, 1949.           | S. 18 am. ( <i>prosp.</i> ) ...                                                                                                                                                                                                         | 39, ss. 4 (1), 5 (1).                                                                                                                                                                                         |



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| 11 & 12 Geo. 6:<br>c. 97 ... ..     | National Parks and Access to the Countryside Act, 1949. | S. 103 (3) rep. (E.) ...                                                                                                                                                                                           | 33, s. 40 (3), sch. 5.                                                                                                                                                            |
| c. 101 ... ..                       | Justices of the Peace Act, 1949.                        | S. 8 (3) (a) subst. ...<br>S. 15 ext. ... ..                                                                                                                                                                       | 43, s. 7.<br>61, s. 29, sch. 7 para. 6.                                                                                                                                           |
| C.A.M. No. 1                        | Church Dignitaries (Retirement) Measure, 1949.          | S. 27 expld. ... ..<br>S. 36 (2) subst. ... ..<br>S. 3 (1) (a) subst., 3 (2) rep.                                                                                                                                  | 15, s. 24 (2).<br>34, s. 164 (6).<br>43, s. 7.<br>C.A.M. No. 3, s. 47, sch. 2.                                                                                                    |
| 14 Geo. 6:<br>c. 2 ... ..           | Post Office and Telegraph (Money) Act, 1950.            | Rep. ... ..                                                                                                                                                                                                        | 15, s. 14.                                                                                                                                                                        |
| c. 15 ... ..                        | Finance Act, 1950 ...                                   | S. 39 saved ... ..                                                                                                                                                                                                 | 36, s. 32 (3).                                                                                                                                                                    |
| c. 27 ... ..                        | Arbitration Act, 1950 ...                               | Excl. ... ..                                                                                                                                                                                                       | 34, s. 171.<br>49, s. 53.                                                                                                                                                         |
| c. 32 ... ..                        | Army Reserve Act, 1950                                  | S. 20 excl. ... ..                                                                                                                                                                                                 | C.A.M. No. 3, s. 38 (4).<br>52, s. 38 (1), sch. 2.                                                                                                                                |
| c. 33 ... ..                        | Air Force Reserve Act, 1950.                            | Ss. 1 (a), 6 (1) (b), (7) (b), 12, sch. 1 paras. 1 (1), 4 (2) am.                                                                                                                                                  | 52, s. 38 (1), sch. 2.                                                                                                                                                            |
| c. 34 ... ..                        | Housing (Scotland) Act, 1950.                           | S. 79 (2) am. ... ..<br>Act saved ... ..                                                                                                                                                                           | 28, s. 1 (2), sch. S.I. 1961/243, reg. 19.                                                                                                                                        |
| c. 36 ... ..                        | Diseases of Animals Act, 1950.                          | S. 84 (3) ext. ... ..<br>Saved ... ..                                                                                                                                                                              | S.I. 1961/243.<br>S.I. 1961/260.                                                                                                                                                  |
| 14 & 15 Geo. 6:<br>c. 11 ... ..     | Administration of Justice (Pensions) Act, 1950.         | Ss. 1 rep. in pt., 24, 25 (1) (b) rep., sch. 2 rep. so far as amdg. the Sheriff Courts (Scotland) Act, 1907 (7 Edw. 7, c. 51).<br>Sch. 3 para. 3 rep. ...                                                          | 42, s. 8 (2), sch. 6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. II.                                                                                                                      |
| c. 22 ... ..                        | Workmen's Compensation (Supplementation) Act, 1951.     | Mod. ... ..                                                                                                                                                                                                        | 6 (10 Eliz. 2), s. 1 (2) (4), sch. 1.                                                                                                                                             |
| c. 30 ... ..                        | Sea Fish Industry Act, 1951.                            | S. 17 restr. ... ..<br>S. 17 (1) rep. in pt. ...                                                                                                                                                                   | 18, s. 2.<br>18, s. 4 (2), sch. 19, s. 2 (1) (2).                                                                                                                                 |
| c. 31 ... ..                        | National Health Service Act, 1951.                      | S. 1. Power to mod. ...<br>S. 1 mod. ... ..<br>Sch. am. ... ..                                                                                                                                                     | 19, s. 1 (3) (4).<br>19, s. 1 (1) (2).<br>36 s. 30 (5) (6), sch. 5.                                                                                                               |
| c. 34 ... ..                        | National Insurance Act, 1951.                           | Appl. ... ..<br>Ss. 1 (1) rep. in pt., 1 (3) rep., 2 (3) rep. in pt., 3 (2) rep. in pt., 3 (4)–(6) rep. in pt., 7 rep., 8 (1) rep.<br>S. 8 (2) rep. ... ..<br>S. 8 (3)–(5) rep. ... ..<br>S. 9 (2) (3) rep. ... .. | 6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.<br>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pts. I, II.<br>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.<br>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I. |

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| 14 & 15 Geo. 6:<br>c. 46 ... ..     | Courts-Martial (Appeals) Act, 1951.         | S. 18 am. ... ..                                      | 52, s. 38 (1), sch. 2.                                           |
| c. 48 ... ..                        | Dangerous Drugs Act, 1951.                  | Pt. III ext. ... ..<br>Pt. III excl. ... ..           | S.I. 1961/837.<br>S.I. 1961/838.                                 |
| c. 52 ... ..                        | Telephone Act, 1951 ...                     | S. 11 (1) excl. ... ..<br>S. 1 (1) rep. in pt. ... .. | S.I. 1961/839.<br>15, s. 28 (1), sch.                            |
| c. 55 ... ..                        | Nurses (Scotland) Act, 1951.                | S. 3 (1) rep. in pt. ... ..                           | 14, s. 14 (2), sch. 2.                                           |
|                                     |                                             | S. 4 am. ... ..                                       | 14, s. 14 (1), sch. 1 para. 1.                                   |
|                                     |                                             | S. 6 am. ... ..                                       | 14, s. 2.                                                        |
|                                     |                                             | S. 6 (2) (c) rep. in pt. ... ..                       | 14, s. 14 (2), sch. 2.                                           |
|                                     |                                             | S. 6 (3) am. ... ..                                   | 14, s. 14 (1), sch. 1 para. 2.                                   |
|                                     |                                             | rep. in pt. ... ..                                    | 14, s. 14, schs. 1 para. 2, 2.                                   |
|                                     |                                             | S. 7 (2) rep. in pt. ... ..                           | 14, ss. 3, 14 (2), sch. 2.                                       |
|                                     |                                             | S. 10 am. ... ..                                      | 14, s. 14 (1), sch. 1 para. 3.                                   |
|                                     |                                             | S. 12 (2) rep. in pt. ... ..                          | 14, s. 14 (2), sch. 2.                                           |
|                                     |                                             | S. 15 am. ... ..                                      | 14, s. 14 (1), sch. 1 para. 4.                                   |
|                                     |                                             | Ss. 27 (1) (b), 34, 35 (5) rep. in pt.                | 14, s. 14 (2), sch. 2.                                           |
|                                     |                                             | Sch. 1 paras. 2 (2), 6 (2) am.                        | 14, s. 14 (1), sch. 1 para. 13.                                  |
|                                     |                                             | Sch. 2 am. ... ..                                     | 14, s. 14 (1), sch. 1 para. 5.                                   |
|                                     |                                             | Sch. 2 para. 1 (1) (b) am.                            | 14, s. 14 (1), sch. 1 paras. 5, 14.                              |
|                                     |                                             | rep. in pt. ... ..                                    | 14, s. 14 (2), sch. 2.                                           |
|                                     |                                             | Sch. 2 para. 1 (1) (c) am.                            | 14, s. 14 (1), sch. 1 para. 5.                                   |
|                                     |                                             | Sch. 2 para. 4 (1) am. ...                            | 14, s. 14 (1), sch. 1 para. 5.                                   |
|                                     |                                             | Sch. 3 para. 1 (1) (b) (c) am.                        | 14, s. 14 (1), sch. 1 para. 14.                                  |
| c. 64 ... ..                        | Rivers (Prevention of Pollution) Act, 1951. | S. 2 ext. ( <i>prosp.</i> ) ... ..                    | 50, s. 1 (8).                                                    |
|                                     |                                             | S. 2 (1) (a) mod. ... ..                              | 50, ss. 2 (2), 4 (1).                                            |
|                                     |                                             | S. 2 (3) rep. ( <i>prosp.</i> ) ... ..                | 50, ss. 8 (3), 15 (4), sch. 2.                                   |
|                                     |                                             | S. 2 (3) proviso suspended                            | 50, s. 8 (3).                                                    |
|                                     |                                             | S. 2 (7) (b) am. ... ..                               | 50, s. 8 (1).                                                    |
|                                     |                                             | S. 3 appl. ( <i>prosp.</i> ) ... ..                   | 50, s. 1 (9).                                                    |
|                                     |                                             | S. 5 (1) rep. in pt. ... ..                           | 50, ss. 4 (2), 15 (4), sch. 2.                                   |
|                                     |                                             | S. 5 (2)–(5) rep. ... ..                              | 50, s. 15 (4), sch. 2.                                           |
|                                     |                                             | S. 6 (2)–(6) appl. ... ..                             | 50, s. 9 (7).                                                    |
|                                     |                                             | S. 7 am. ... ..                                       | 50, ss. 5, 6, 7 (3)–(5), 9 (4).                                  |
|                                     |                                             | expld. ... ..                                         | 50, ss. 9 (3), 10 (1).                                           |
|                                     |                                             | restr. ... ..                                         | 50, s. 13 (3).                                                   |
|                                     |                                             | S. 7 (5) rep. ... ..                                  | 50, ss. 5 (6), 15 (4), sch. 2.                                   |
|                                     |                                             | S. 7 (6) rep. ... ..                                  | 50, s. 15 (4), sch. 2.                                           |

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| 14 & 15 Geo. 6 :<br>c. 64— <i>cont.</i>    | Rivers (Prevention of Pollution Act, 1951.—<br><i>cont.</i> | S. 7 (7) am. ... ..<br>S. 7 (10) (11) rep. ... ..<br><br>S. 7 (13) (16) am. ... ..<br>S. 7 (17) rep. ... ..<br><br>S. 8 rep. ... ..<br><br>S. 11 (3) rep. in pt. ... ..<br>Sch. 2 para. 5 (2) am. ... ..<br>Sch. 2 para. 9 rep. in pt. ... ..<br>Sch. 2 para. 10 am. ... ..<br>Sch. 2 para. 10 (b) rep. in pt. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                   | 50, s. 7 (2) (4).<br>50, ss. 6 (6), 15 (4), sch. 2.<br>50, s. 7 (1).<br>50, ss. 9 (8), 15 (4), sch. 2.<br>50, ss. 8 (2), 11 (2), 15 (4), sch. 2.<br>50, s. 15 (4), sch. 2.<br>50, ss. 9 (8), 13 (2).<br>50, s. 15 (4), sch. 2.<br>50, s. 11 (2).<br>50, s. 15 (4), sch. 2.                                                                                                                                                                                                                                                               |
| c. 66 ... ..                               | Rivers (Prevention of Pollution) (Scotland) Act, 1951.      | Apptd. day for Pt. III (ss. 17-28) and ss. 34, 36 (3), as to certain areas (1.9.1961).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | S.I. 1961/1492.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| C.A.M. No. 2                               | Bishops (Retirement) Measure, 1951.                         | S. 22 saved ... ..<br>Ss. 2 subst., 4, 9 (1) (b) am.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 41, s. 3 (3) (c).<br>C.A.M. No. 3, s. 47, sch. 2.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 15 & 16 Geo. 6 & 1 Eliz. 2:<br>c. 4 ... .. | Pneumoconiosis and Byssinosis Benefit Act, 1951.            | S. 3 am. ... ..<br>S. 5 rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 6 (10 Eliz. 2), s. 1 (3).<br>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| c. 10 ... ..                               | Income Tax Act, 1952 ...                                    | S. 47 (1) excl. ... ..<br>S. 47 (2) ext. ... ..<br>Ss. 62-64 appl. ... ..<br>S. 122 mod. (cars) ... ..<br>S. 156 mod. (cars) ... ..<br>S. 157 ext. ... ..<br>S. 158 (2) rep. in pt. ... ..<br><br>S. 169 expld. ... ..<br><br>S. 170 excl. ... ..<br>Ss. 175, 176 ext. ... ..<br>S. 190 (3) (4) appl. ... ..<br>S. 216 (1) am. ... ..<br>Pt. X mod. (cars) ... ..<br>Pt. X Chapter II mod. (cars) ... ..<br>expld. ... ..<br>ext. ... ..<br>S. 296 (1) mod. (cars) ... ..<br>S. 328 mod. (cars) ... ..<br>S. 332 (3) mod. (cars) ... ..<br>S. 347 expld. ... ..<br>Pt. XIII ext. ... ..<br>S. 348 expld. ... ..<br>S. 348 (4) rep. in pt. ... ..<br><br>S. 348 (5) rep. in pt. ... ..<br><br>S. 350 (2) expld. ... ..<br>S. 443 (4) am. and rep. in pt. | 36, s. 28 (2) (3).<br>36, s. 28 (2) (3).<br>36, s. 22 (3).<br>36, s. 24.<br>36, ss. 20 (2), 24.<br>36, s. 28 (1).<br>36, ss. 28 (4), 37 (6), sch. 6 Pt. I.<br>36, s. 18 (5) proviso.<br>36, s. 21 (4).<br>36, s. 20 (1).<br>36, s. 21 (3).<br>36, s. 15.<br>36, s. 23 (6).<br>36, s. 23.<br>36, s. 27 (6).<br>36, s. 27 (7).<br>36, s. 23 (5).<br>36, s. 23 (4).<br>36, s. 23 (6).<br>36, s. 17 (1) (4).<br>36, s. 18.<br>36, s. 19.<br>36, ss. 19, 37 (6) sch. 6 Pt. I.<br>36, s. 37 (6), sch. 6 Pt. I.<br>36, s. 17 (1).<br>36, s. 29. |

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| 15 & 16 Geo. 6 & 1 Eliz. 2: c. 10— <i>cont.</i> | Income Tax Act, 1952<br>— <i>cont.</i>                                            | S. 448 (1) (a) ext. ...<br>S. 461 (2) (3) am. ...                                                                | 36, s. 20 (1).<br>16, s. 3 (3), sch. 3 para. 1.                                        |
|                                                 |                                                                                   | Sch. 6 appl. (mod.) ...                                                                                          | 1 (10 Eliz. 2), s. 3 (4), sch. 2 para. 1.                                              |
|                                                 |                                                                                   | Sch. 14 mod. ...                                                                                                 | 36, s. 22 (3) (d).                                                                     |
|                                                 |                                                                                   | Sch. 16 expld. ...                                                                                               | 36, s. 23 (4).                                                                         |
|                                                 |                                                                                   | Sch. 17 expld. ...                                                                                               | 36, s. 17 (1) (4).                                                                     |
|                                                 |                                                                                   | S. 1 rep. (saving) ...                                                                                           | 36, s. 19.                                                                             |
| c. 17 ...                                       | Industrial and Provident Societies Act, 1952.                                     |                                                                                                                  | 28, s. 1 (4).                                                                          |
| c. 18 ...                                       | Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act, 1952. | S. 1 (6) am. ...                                                                                                 | 16, s. 3 (3), sch. 3 para. 2.<br>1 (10 Eliz. 2), s. 3 (4), sch. 2 para. 2.             |
| c. 25 ...                                       | National Health Service Act, 1952 ...                                             | Ext. (Isles of Scilly) ...<br>S. 2 mod. ...<br>S. 2. Power to mod. ...<br>S. 3 rep. ...<br>S. 7 (6) (7) ext. ... | S.I. 1961/906.<br>19, s. 1 (3).<br>19, s. 2 (1) (2).<br>19, s. 2 (4).<br>19, s. 2 (3). |
| c. 28 ...                                       | Corneal Grafting Act, 1952.                                                       | Rep. ...                                                                                                         | 54, s. 4 (2).                                                                          |
| c. 29 ...                                       | Family Allowances and National Insurance Act, 1952.                               | Ss. 1 and 6 rep. in pt., 8, 9, 11 rep.                                                                           | 6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.                                               |
| c. 33 ...                                       | Finance Act, 1952 ...                                                             | S. 5 mod. (Isle of Man)                                                                                          | 36, s. 5.                                                                              |
| c. 34 ...                                       | Post Office and Telegraph (Money) Act, 1952.                                      | Sch. 6 mod. ...                                                                                                  | 36, s. 23 (4).                                                                         |
| c. 42 ...                                       | Heating Appliances (Fireguards) Act, 1952.                                        | Rep. ...                                                                                                         | 15, s. 14.                                                                             |
| c. 44 ...                                       | Heating Appliances (Fireguards) Act, 1952.                                        | Rep. ...                                                                                                         | 40, s. 6 (1).                                                                          |
| c. 44 ...                                       | Customs and Excise Act, 1952.                                                     | S. 85 (1) mod. ...                                                                                               | 36, s. 9 (6), sch. 4 para. 4.                                                          |
|                                                 |                                                                                   | S. 112 (1) (a) am. ...                                                                                           | 36, s. 9 (6), sch. 4 para. 5 (1).                                                      |
|                                                 |                                                                                   | S. 112 (1) proviso mod.                                                                                          | 36, s. 9 (6), sch. 4 para. 5 (2).                                                      |
|                                                 |                                                                                   | Ss. 146, 148 excl. (certain liqueur chocolates).                                                                 | 61, s. 24 (1).                                                                         |
|                                                 |                                                                                   | S. 151 (1) proviso (a) rep.                                                                                      | 61, ss. 11 (2), 38 (3), sch. 9 Pt. II.                                                 |
|                                                 |                                                                                   | S. 151 (1) proviso (b) am. (E.).                                                                                 | 61, s. 11 (2).                                                                         |
|                                                 |                                                                                   | S. 199 am. ...                                                                                                   | 36, s. 2.                                                                              |
|                                                 |                                                                                   | S. 200 (2) am. ...                                                                                               | 36, s. 9 (6), sch. 4 para. 6.                                                          |
|                                                 |                                                                                   | mod. ...                                                                                                         | S.I. 1961/1163.                                                                        |
|                                                 |                                                                                   | Ss. 204 (1), 205 mod. ...                                                                                        | 36, s. 9 (6), sch. 4 para. 7.                                                          |
|                                                 |                                                                                   | S. 208 (1) am. ...                                                                                               | 36, s. 9 (6), sch. 4 para. 6.                                                          |
|                                                 |                                                                                   | S. 281 excl. (local authorities).                                                                                | 36, s. 11 (1).                                                                         |
|                                                 |                                                                                   | S. 307 (1) rep. (E.) so far as defining "registered club"                                                        | 61, s. 38 (3), sch. 9 Pt. II.                                                          |
| c. 49 ...                                       | Court of Chancery of Lancaster Act, 1952.                                         | S. 313 am. ...                                                                                                   | 36, s. 11 (1).                                                                         |
|                                                 |                                                                                   | S. 2 am. ...                                                                                                     | 38, s. 1.                                                                              |

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| 15 & 16 Geo. 6 & 1 Eliz. 2:<br>c. 50 ... .. | Children and Young Persons (Amendment) Act, 1952. | S. 7 expld. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 39, s. 14 (2), sch. 2 para. 5.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| c. 52 ... ..                                | Prison Act, 1952 ...                              | S. 5 (1). Power to am....<br>S. 13 (2) am. ... ..<br>Ss. 22 (2) (a), 24 (2) rep.<br>S. 25 (2) am. ... ..<br>S. 25 (3) appl (mod.) ...<br>am. ... ..<br>S. 25 (4)–(6) appl. (mod.)<br>S. 25 (7) subst. ... ..<br>S. 29 rep. ... ..<br>S. 39 am. ... ..<br>Ss. 43 (1) (b) (c), 44 (1)<br>(2) am. ... ..<br>S. 45 appl. ... ..<br>S. 45 mod. ( <i>prosp.</i> ) ... ..<br>S. 45 re-enacted as am.<br>S. 45 (2) am. ... ..<br>S. 45 (3) am. ... ..<br><i>excl. (prosp.)</i> ... ..<br>S. 45 (4) appl. (mod.) ... ..<br>S. 45 (4) (5) am. ... ..<br><i>excl. (prosp.)</i> ... ..<br>S. 47 ext. ... ..<br>S. 47 am. ... ..<br>S. 47 (5) am. ... ..<br>S. 48 rep. ... ..<br>S. 49 (1) ext. ... ..<br>S. 49 (2) rep. in pt. ... ..<br>S. 49 (2) (a) am. ... ..<br>S. 55 (3) rep. in pt. ... ..<br>S. 55 (4) am. ... ..<br>Sch. 1 rep. ... ..<br>Schs. 2 rep., 3 rep. so far<br>as amdg. the Criminal<br>Justice Act, 1948 (11 &<br>12 Geo. 6, c. 58). | 39, s. 24 (3).<br>39, s. 41 (1) (3),<br>sch. 4.<br>39, s. 41 (1) (3),<br>sch. 5.<br>39, s. 41 (1) (3),<br>sch. 4.<br>39, s. 34 (3).<br>39, s. 41 (1) (3),<br>sch. 4.<br>39, s. 34 (3).<br>39, s. 41 (1) (3),<br>sch. 4.<br>39, ss. 21, 41 (2)<br>(3), sch. 5.<br>39, ss. 22 (1), 41<br>(1) (3), sch. 4.<br>39, s. 41 (1) (3),<br>sch. 4.<br>39, s. 12 (2) (5).<br>39, s. 34 (3).<br>39, s. 41 (4),<br>sch. 6.<br>39, ss. 11 (1), 41<br>(1) (3), sch. 4.<br>39, ss. 11 (2), 41<br>(1) (3), sch. 4.<br>39, s. 34 (3).<br>39, s. 16 (3).<br>39, s. 41 (1) (3),<br>sch. 4.<br>39, s. 34 (3).<br>39, s. 23 (1).<br>39, s. 23 (2).<br>39, s. 41 (1) (3),<br>sch. 4.<br>39, s. 41 (2) (3),<br>sch. 5.<br>39, s. 30 (1) (2).<br>39, s. 41 (2) (3),<br>sch. 5.<br>39, ss. 30 (4), 41<br>(1) (3), sch. 4.<br>39, s. 41 (2) (3),<br>sch. 5.<br>39, s. 41 (1) (3),<br>sch. 4.<br>39, ss. 21, 41 (2)<br>(3), sch. 5.<br>39, s. 41 (2) (3),<br>sch. 5. |

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| 15 & 16 Geo. 6 & 1 Eliz. 2:<br>c. 54 ... .. | Town Development Act, 1952.    | Power to ext. (mod.) ...<br>S. 2 (2) (a) appl. (mod.)<br>S. 3 (2) (c) am. ... ..                | 65, s. 34 (1).<br>65, s. 10 (1).<br>65, s. 11 (2),<br>sch. 2 para. 2.  |
|                                             |                                | S. 4 ext. ... ..<br>S. 6 mod. ... ..                                                            | 65, s. 34 (2).<br>33, s. 10, sch. 2<br>para. 2.                        |
|                                             |                                | S. 8 (1) (f) am. ... ..                                                                         | 65, s. 11 (2),<br>sch. 2 para. 2.                                      |
|                                             |                                | S. 8 (4) (b) ext. ... ..                                                                        | 64, s. 84 (1).                                                         |
|                                             |                                | S. 14 (1) am. ... ..                                                                            | 65, s. 11 (2),<br>sch. 2 para. 2.                                      |
|                                             |                                | S. 23 (2) (a) ext. ... ..                                                                       | 65, s. 11 (2),<br>sch. 2 para. 1.                                      |
| c. 55 ... ..                                | Magistrates' Courts Act, 1952. | Appl. ... ..                                                                                    | 39, ss. 17 (5), 30,<br>sch. 3 para. 6.                                 |
|                                             |                                | Saved ... ..                                                                                    | 61, s. 18 (1)<br>proviso (c).                                          |
|                                             |                                | S. 1 mod. ... ..                                                                                | 39, s. 20 (1),<br>sch. 3 para. 7.                                      |
|                                             |                                | S. 14 (3) appl. ... ..                                                                          | 39, ss. 4 (4), 12<br>(4).                                              |
|                                             |                                | S. 20 (5) am. ... ..                                                                            | 39, ss. 8 (2), 41<br>(1) (3), sch. 4.                                  |
|                                             |                                | S. 28 am. ... ..                                                                                | 39, s. 1.                                                              |
|                                             |                                | S. 28 (1) am. and re-<br>enacted.<br>rep. in pt. ... ..                                         | 39, s. 41 (1) (3)<br>(4), schs. 4, 6.<br>39, s. 41 (2) (3),<br>sch. 5. |
|                                             |                                | S. 28 (2) (3) rep. ( <i>prosp.</i> ).                                                           | 39, ss. 1 (5), 41<br>(2) (3), sch. 5.                                  |
|                                             |                                | S. 28 (4) re-enacted ... ..                                                                     | 39, s. 41 (4),<br>sch. 6.                                              |
|                                             |                                | S. 28 (4) rep. in pt.<br>( <i>prosp.</i> ).                                                     | 39, s. 41 (2) (3),<br>sch. 5.                                          |
|                                             |                                | S. 32 am. ... ..                                                                                | 39, ss. 8 (1), 41<br>(1) (3), sch. 4.                                  |
|                                             |                                | S. 54 (3) (b) am. ... ..                                                                        | 39, s. 41 (1) (3),<br>sch. 4.                                          |
|                                             |                                | Pt. III (ss. 63-70) am. and<br>expld. ( <i>prosp.</i> ).                                        | 39, s. 5 (5).                                                          |
|                                             |                                | S. 77 (1) (3) appl. ... ..                                                                      | 61, ss. 12 (4), 29,<br>schs. 4 para. 3<br>(2), 7 para. 5<br>(1).       |
|                                             |                                | S. 77 (4) appl. ... ..                                                                          | 61, s. 12 (4), sch.<br>4 para. 3 (2).                                  |
|                                             |                                | S. 85 (2) appl. ... ..                                                                          | 61, s. 12 (4), sch.<br>4 para. 4 (5).                                  |
|                                             |                                | S. 98 appl. ... ..                                                                              | 61, s. 29, sch. 7<br>para. 1 (1).                                      |
|                                             |                                | S. 104 excl. ... ..                                                                             | 61, s. 27 (7).                                                         |
|                                             |                                | S. 107 am. ( <i>prosp.</i> ) ... ..                                                             | 39, ss. 4 (1), 5 (1).                                                  |
|                                             |                                | S. 107 (2), (4)-(6) rep.<br>( <i>prosp.</i> ).                                                  | 39, s. 41 (2) (3),<br>sch. 5.                                          |
|                                             |                                | S. 108 excl. ( <i>prosp.</i> ) ... ..                                                           | 39, s. 3 (4).                                                          |
|                                             |                                | S. 126 (1) am. ... ..                                                                           | 39, s. 41 (1) (3),<br>sch. 4.                                          |
|                                             |                                | Sch. 1 para. 15 rep. ... ..                                                                     | 60, s. 3 (2), sch. 2.                                                  |
|                                             |                                | Sch. 5 rep. ( <i>prosp.</i> ) so far<br>as amdg. s. 54 of the<br>Children and Young<br>Persons. | 39, s. 41 (2) (3).<br>sch. 5.                                          |

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| 15 & 16 Geo. 6 & 1 Eliz. 2: c. 55 ... .. | Magistrates' Courts Act, 1952.— <i>cont.</i>             | Act, 1933 (23 & 24 Geo. 5, c. 12), and ss. 18, 19 and 80 (4) of the Criminal Justice Act, 1948 (11 & 12 Geo. 6, c. 58).                                                                                                                                                    |                                                                                                                                                                                                                                                  |
| c. 61 ... ..                             | Prisons (Scotland) Act, 1952.                            | S. 10 (2) (a) rep. ...<br>S. 36 rep. ... ..<br>S. 37 (1) rep. in pt. ...<br>ext. (U.K.) ...<br>S. 37 (2) proviso am. ...<br>S. 44 (3) mod. ... ..<br>Sch. 2 rep. ... ..                                                                                                    | 39, s. 41 (2) (3), sch. 5.<br>39, s. 41 (2) (3), sch. 5.<br>39, s. 41 (2) (3), sch. 5.<br>39, s. 30 (1) (2).<br>39, ss. 30 (4), 41 (1) (3), sch. 4.<br>39, ss. 30 (1) (2), 32 (2).<br>39, s. 41 (2) (3), sch. 5.                                 |
| c. 67 ... ..                             | Visiting Forces Act, 1952                                | S. 1 (1) (a) am. ...<br><br>S. 7 (6) am. ... ..<br><br>S. 10 (1) (a) restr. ...<br>Sch. para. 1 am. ... ..                                                                                                                                                                 | 16, s. 3 (3), sch. 3 para. 7 (a).<br>1 (10 Eliz. 2), s. 3 (4), sch. 2 para. 6.<br>60, ss. 2 (3), 3 (3), sch. 1 Pt. II.<br>16, s. 3 (3), sch. 3 para. 7 (b).<br>1 (10 Eliz. 2), s. 3 (4), sch. 2 para. 6.<br>60, ss. 2 (3), 3 (3), sch. 1 Pt. II. |
| C.A.M. No. 1                             | Church of England Pensions Board (Powers) Measure, 1952. | Rep. ... ..                                                                                                                                                                                                                                                                | C.A.M. No. 3, s. 48 (1), sch. 3.                                                                                                                                                                                                                 |
| 1 & 2 Eliz. 2: c. 16 ... ..              | Town and Country Planning Act, 1953.                     | S. 3 (1) rep. ... ..                                                                                                                                                                                                                                                       | 33, s. 40 (3), sch. 5.                                                                                                                                                                                                                           |
| c. 17 ... ..                             | White Fish and Herring Industries Act, 1953.             | S. 3 (2) rep., ... ..<br>S. 5 (1) (2) rep. in pt. ...                                                                                                                                                                                                                      | 18, s. 4 (2), sch. 18, ss. 1 (1), 4 (2), sch.                                                                                                                                                                                                    |
| c. 23 ... ..                             | Accommodation Agencies Act, 1953.                        | Cont. until 31.12.1962...                                                                                                                                                                                                                                                  | 4 (10 Eliz. 2), s. 1 (1).                                                                                                                                                                                                                        |
| c. 25 ... ..                             | Local Government Superannuation Act, 1953.               | S. 2 (4) appl. ... ..                                                                                                                                                                                                                                                      | S.I. 1961/316, r. 4 (4).                                                                                                                                                                                                                         |
| c. 29 ... ..                             | National Insurance Act, 1953.                            | Appl. ... ..<br><br>Ss. 1, 2 rep., 3 rep. in pt., 4 (1) rep., 5 rep. in pt., 6 rep. exc. subs. (4), 6 (4) rep. in pt., 7 rep., 9 rep. in pt., 10 (1) rep. in pt., 11, 12 rep.<br>S. 13 (1) rep. ... ..<br><br>S. 13 (2)–(4) rep. ... ..<br><br>Sch. 1 para. 15 rep. ... .. | 36, s. 30 (5) (6), sch. 5.<br>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.<br>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.<br>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. II.<br>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.                                      |

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| 1 & 2 Eliz. 2:<br>c. 34 ... ..      | Finance Act, 1953 ...                               | S. 5 superseded ... ..<br>S. 21 (2) saved ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 36, s. 6 (1), sch. 2 Pt. I.<br>36, s. 32 (3).                                                                                                                                                                                                                                                                                                                                           |
| c. 36 ... ..                        | Post Office Act, 1953 ...                           | S. 3 (1) rep. in pt. ... ..<br>S. 5 (1) am. ... ..<br>S. 5 (2) pm. and rep. in pt.<br>S. 6 (1) rep. in pt. ... ..<br>S. 6 (2) subst. ... ..<br>S. 7 (1) proviso am. and rep. in pt., 7 (2), 8 (1) (3) and 9 rep. in pt., 10 (1) (4), 11 (3) (4) am.<br>S. 12 (2) am. ... ..<br>Ss. 12 (3) am., 14 rep. in pt., 15, 16 (3), 19 (3) am., 20 (1) (2) rep. in pt., 20 (3) rep. in pt. and am., 20 (5) am.<br>S. 21 (1) subst. ... ..<br>S. 21 (2) am. ... ..<br>Ss. 24 am. and rep. in pt., 47 (1) (3) and 48 (1) rep. in pt., 49 (1) rep., 63 (1) rep. in pt., 72 (2) am.<br>S. 74 rep. ... ..<br>Ss. 77 (4) rep. in pt., 78 (2) am., 80 rep.<br>S. 81 subst. ... ..<br>Ss. 82, 83 rep., 87 (1) rep. in pt. and am., sch. 1 paras. 5 rep. in pt. and am., 6, 7 am. | 15, s. 28 (1), sch.<br>15, s. 28 (1), sch.<br>15, ss. 18, 28 (1), sch.<br>15, s. 28 (1), sch.<br>15, s. 21.<br>15, s. 28 (1), sch.<br>15, ss. 18, 28 (1), sch.<br>15, s. 28 (1), sch.<br>15, ss. 18, 28 (1), sch.<br>15, s. 28 (1), sch.<br>15, s. 28 (1), sch.<br>15, ss. 18, 28 (1), sch.<br>15, s. 24 (1).<br>15, s. 28 (1), sch.<br>15, ss. 16, 28 (1), sch.<br>15, s. 28 (1), sch. |
| c. 42 ... ..                        | Valuation for Rating Act, 1953.                     | Appl. ... ..<br>S. 2 (1). Power to am. ( <i>prosp.</i> )<br>S. 3 (2) mod. ... ..<br>S. 4 (1). Power to am. ( <i>prosp.</i> )<br>S. 6 rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 65, s. 4 (8), sch. 1 para. 6 (3).<br>45, s. 2 (1).<br>45, s. 25, sch. 4 para. 13.<br>45, s. 2 (1).<br>45, s. 29 (2), sch. 5 Pt. II.                                                                                                                                                                                                                                                     |
| c. 43 ... ..                        | National Insurance (Industrial Injuries) Act, 1953. | Ext. ... ..<br>Sch. 2 paras. 2 (2) rep. in pt., 2 (3)-(5) rep., 3 (1) rep. in pt., 4 rep.<br>Sch. 2 para. 7 (1) rep. ...<br>Sch. 2 para. 7 (2) rep. in pt.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 6 (10 Eliz. 2), s. 2.<br>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.<br>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. II.<br>6 (10 Eliz. 2), s. 14 (4) sch. 4 Pt. I                                                                                                                                                                                                                                |



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| 1 & 2 Eliz. 2:<br>c. 46 ... ..      | Licensing Act, 1953 ... | <p>Excl. (certain liqueur chocolates).<br/> Appl. (mod.) (miners' welfare institutes).<br/> S. 3 rep. ... ..<br/> S. 4 rep. in pt. ... ..<br/> S. 5 rep. ... ..<br/> S. 6 (4)–(9) rep. (saving)<br/> S. 6 (10) mod. ... ..<br/> Ss. 8, 9 rep. ... ..<br/> S. 10 ext. (mod.) ... ..<br/> S. 10 (1) (2) rep. in pt. ... ..<br/> S. 11 mod. ... ..<br/> S. 11 (1) rep. in pt. ... ..<br/> S. 11 (2) ext. ... ..<br/> S. 11 (3) ext. ... ..<br/> S. 11 (4) ext. ... ..<br/> S.12 ext. ... ..<br/> S. 13 rep. (saving) ... ..<br/> Ss. 14, 15, 17 ext. ... ..<br/> S. 14 (1) excl. ... ..<br/> S. 18 ext. ... ..<br/> Ss. 18 (1) rep. in pt., 20 rep.<br/> Ss. 21–28 appl. ... ..<br/> S. 21 appl. in pt. (mod.)<br/> S. 21 (2) (3) rep. ... ..<br/> S. 21 (4) (b) am. ... ..<br/> S. 21 (4) (d) am. ... ..<br/> S. 21 (4) (f) rep. in pt.<br/> ext. ... ..<br/> S. 21 (5) rep. ... ..<br/> S. 22 rep. ... ..<br/> S. 23 ext. ... ..<br/> S. 23 (1) rep. in pt. ... ..<br/> S. 23 (3) appl. ... ..<br/> ext. ... ..<br/> restr. ... ..<br/> S. 23 (3) (c) rep. (saving)<br/> S. 23 (4)–(7) (11) rep. ...</p> | <p>61, s. 24 (1).<br/> 61, s. 36.<br/> 61, s. 38 (3), sch. 9 Pt. II.<br/> 61, s. 38 (3), sch. 9 Pt. II.<br/> 61, s. 38 (3), sch. 9 Pt. II.<br/> 61, s. 38 (3), sch. 9 Pt. II.<br/> 61, ss. 1 (10), 35 (6).<br/> 61, s. 38 (3), sch. 9 Pt. II.<br/> 61, s. 15 (4) (7).<br/> 61, s. 38 (3), sch. 9 Pt. II.<br/> 61, s. 12 (4), sch. 4 para. 8.<br/> 61, s. 38 (3), sch. 9 Pt. II.<br/> 61, s. 12 (4), sch. 4 para. 8 (1).<br/> 61, s. 12 (4), sch. 4 para. 8 (3).<br/> 61, s. 12 (4), sch. 4 paras. 8(3), 9.<br/> 61, s. 12 (4), sch. 4 para. 8 (1).<br/> 61, s. 38 (3), sch. 9 Pt. I.<br/> 61, s. 12 (4), sch. 4 para. 9 (2).<br/> 61, s. 14 (3).<br/> 61, s. 12 (4), sch. 4 para. 10.<br/> 61, s. 38 (3), sch. 9 Pt. II.<br/> 61, s. 21 (8).<br/> 61, s. 13 (3).<br/> 61, s. 38 (3), sch. 9 Pt. II.<br/> 61, s. 13 (2) (a).<br/> 61, s. 13 (2) (b).<br/> 61, s. 38 (3), sch. 9 Pt. II.<br/> 61, s. 16 (5).<br/> 61, s. 38 (3), sch. 9 Pt. II.<br/> 61, s. 38 (3), sch. 9 Pt. II.<br/> 61, s. 16 (1).<br/> 61, s. 38 (3), sch. 9 Pt. II.<br/> 61, s. 4 (2).<br/> 61, s. 21 (8).<br/> 61, s. 16 (5).<br/> 61, s. 38 (3), sch. 9 Pt. II.<br/> 61, s. 38 (3), sch. 9 Pt. II.</p> |

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| 1 & 2 Eliz. 2:<br>c. 46— <i>cont.</i> | Licensing Act, 1953— <i>cont.</i> | S. 24 excl. ... ..                                                    | 61, s. 4 (1).                                                    |
|                                       |                                   | S. 24 (1) am. ... ..                                                  | 61, s. 13 (1).                                                   |
|                                       |                                   | S. 24 (4) rep. ... ..                                                 | 61, s. 38 (3),<br>sch. 9 Pt. II.                                 |
|                                       |                                   | S. 24 (5) restr. ... ..                                               | 61, s. 12 (4), sch.<br>4 para. 9.                                |
|                                       |                                   | S. 25 excl. ... ..                                                    | 61, s. 4 (1).                                                    |
|                                       |                                   | Ss. 25 (3) (6), 26 rep. ... ..                                        | 61, s. 38 (3),<br>sch. 9 Pt. II.                                 |
|                                       |                                   | S. 27 excl. ... ..                                                    | 61, s. 4 (1).                                                    |
|                                       |                                   | ext. ... ..                                                           | 61, s. 15 (4) (7).                                               |
|                                       |                                   | S. 28 restr. ... ..                                                   | 61, s. 12 (2) (4),<br>sch. 4 para. 9<br>(2).                     |
|                                       |                                   | S. 29 rep. ... ..                                                     | 61, s. 38 (3),<br>sch. 9 Pt. II.                                 |
|                                       |                                   | Ss. 30, 31 excl. ... ..                                               | 61, s. 1 (13).                                                   |
|                                       |                                   | S. 32 rep. ... ..                                                     | 61, ss. 18 (2),<br>38 (3), sch. 9<br>Pt. II.                     |
|                                       |                                   | S. 33 rep. ... ..                                                     | 61, s. 38 (3),<br>sch. 9 Pt. II.                                 |
|                                       |                                   | S. 34 excl. ... ..                                                    | 61, s. 1 (13).                                                   |
|                                       |                                   | Ss. 35–37 appl. (mod.)... ..                                          | 61, s. 12 (4),<br>sch. 4 para. 4.                                |
|                                       |                                   | S. 35 appl. ... ..                                                    | 61, s. 20 (3).                                                   |
|                                       |                                   | S. 35 (3) rep. in pt. ... ..                                          | 61, s. 38 (3), sch.<br>9 Pt. II.                                 |
|                                       |                                   | Ss. 41 (2) and 44 (1) rep.<br>in pt., 45 rep. ... ..                  | 61, s. 38 (3),<br>sch. 9 Pt. II.                                 |
|                                       |                                   | S. 48 appl. ... ..                                                    | 61, s. 37 (7).                                                   |
|                                       |                                   | S. 48 (2) rep. in pt. ... ..                                          | 61, s. 38 (3),<br>sch. 9 Pt. II.                                 |
|                                       |                                   | S. 48 (4) mod. ... ..                                                 | 61, s. 19.                                                       |
|                                       |                                   | S. 48 (5) am. ... ..                                                  | 61, s. 12 (4),<br>sch. 4 para. 11.                               |
|                                       |                                   | S. 48 (7) rep. in pt. ... ..                                          | 61, s. 38 (3),<br>sch. 9 Pt. II.                                 |
|                                       |                                   | S. 49 ext. ... ..                                                     | 61, s. 12 (4),<br>sch. 4 para. 10.                               |
|                                       |                                   | S. 49 para. (g) rep. in pt. ... ..                                    | 61, s. 38 (3),<br>sch. 9 Pt. II.                                 |
|                                       |                                   | S. 50 ext. ... ..                                                     | 61, s. 12 (4),<br>sch. 4 para. 10.                               |
|                                       |                                   | S. 50 (1) rep. ... ..                                                 | 61, s. 38 (3),<br>sch. 9 Pt. II.                                 |
|                                       |                                   | Ss. 51 rep., 52 (2) rep.<br>in pt., 52 (3) rep. ... ..                | 61, s. 38 (3),<br>sch. 9 Pt. II.                                 |
|                                       |                                   | Pt. II (ss. 53–67) excl. ... ..                                       | 61, s. 1 (13).                                                   |
|                                       |                                   | Pt. II contd. until<br>31.3.1963 ... ..                               | 4 (10 Eliz. 2),<br>s. 1 (2).                                     |
|                                       |                                   | Ss. 59 (2) (3) rep., 61 (4)<br>and 62 para. (a) rep.<br>in pt. ... .. | 61, s. 38 (3),<br>sch. 9 Pt. II.                                 |
|                                       |                                   | Pt. III (ss. 68–75) excl. ... ..                                      | 61, s. 1 (13).                                                   |
|                                       |                                   | S. 71 (3) (6) (9) rep. ... ..                                         | 61, s. 38 (3),<br>sch. 9 Pt. II.                                 |
|                                       |                                   | Ss. 74 (1) (c) rep. in pt.,<br>75 (1) rep. in pt. ... ..              | 61, s. 38 (3),<br>sch. 9 Pt. II.                                 |
|                                       |                                   | S. 77 excl. ... ..                                                    | 61, ss. 4 (4),<br>25 (5).                                        |

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| 1 & 2 Eliz. 2:<br>c. 46— <i>cont.</i> | Licensing Act, 1953—<br><i>cont.</i> | S. 77 (1) rep. in pt. ...              | 61, s. 38 (3), sch. 9 Pt. II.                                    |
|                                       |                                      | S. 83 ext.... ...                      | 61, s. 12 (4), sch. 4 para. 5 (6).                               |
|                                       |                                      | S. 83 (4)–(6) rep., 83 (7) rep. in pt. | 61, s. 38 (3), sch. 9 Pt. II.                                    |
|                                       |                                      | S. 84 (4) saved ...                    | 61, s. 12 (4), sch. 4 para. 5 (6).                               |
|                                       |                                      | rep. in pt. ...                        | 61, s. 38 (3), sch. 9 Pt. II.                                    |
|                                       |                                      | S. 86 restr. ...                       | 61, s. 12 (2).                                                   |
|                                       |                                      | S. 89 appl. ...                        | 61, s. 21 (8).                                                   |
|                                       |                                      | S. 91 (1) rep., 91 (2) rep. in pt.     | 61, s. 38 (3), sch. 9 Pt. II.                                    |
|                                       |                                      | Pt. VI (ss. 92–99) excl. ...           | 61, s. 4 (1).                                                    |
|                                       |                                      | S. 92 ext. ...                         | 61, s. 12 (4), sch. 4.                                           |
|                                       |                                      | S. 94 (4) saved ...                    | 61, s. 12 (4), sch. 4 para. 5 (6).                               |
|                                       |                                      | rep. in pt. (saving) ...               | 61, s. 38 (3), sch. 9 Pt. II.                                    |
|                                       |                                      | S. 94 (5) rep. ...                     | 61, s. 38 (3), sch. 9 Pt. II.                                    |
|                                       |                                      | S. 97 appl. ...                        | 61, s. 21 (8).                                                   |
|                                       |                                      | S. 99 (1) rep. 99 (2) rep. in pt.      | 61, s. 38 (3), sch. 9 Pt. II.                                    |
|                                       |                                      | Pt. VII (ss. 100–119) am. expld. ...   | 61, s. 7 (6).                                                    |
|                                       |                                      | S. 100 expld. and am. ...              | 61, s. 7 (7).                                                    |
|                                       |                                      | excl. ...                              | 61, s. 7 (2)–(7).                                                |
|                                       |                                      | S. 100 (2) (a) expld. ...              | 61, s. 9 (2) (3).                                                |
|                                       |                                      | S. 100 (2) (c) (d) rep. ...            | 61, s. 37 (2).                                                   |
|                                       |                                      | S. 100 (3) rep. and superseded.        | 61, s. 38 (3), sch. 9 Pt. II.                                    |
|                                       |                                      | Ss. 101–103 rep. and superseded.       | 61, ss. 5 (11), 38 (3), sch. 9 Pt. II.                           |
|                                       |                                      | S. 104 am. and excl. ...               | 61, s. 7 (4).                                                    |
|                                       |                                      | ext. ...                               | 61, ss. 8 (3), 9.                                                |
|                                       |                                      | expld. ...                             | 61, s. 8 (4).                                                    |
|                                       |                                      | mod. ...                               | 61, s. 33 (2).                                                   |
|                                       |                                      | S. 104 (1) ext. ...                    | 61, s. 5 (9).                                                    |
|                                       |                                      | S. 104 (1) (a) appl. ...               | 61, s. 33 (4).                                                   |
|                                       |                                      | S. 104 (2)–(4) rep. ...                | 61, ss. 11 (1), 38 (3), sch. 9 Pt. II.                           |
|                                       |                                      | S. 104 (5) (6) ext. ...                | 61, s. 5 (9).                                                    |
|                                       |                                      | S. 104 (7) rep. ...                    | 61, ss. 11 (6), 38 (3), sch. 9 Pt. II.                           |
|                                       |                                      | S. 104 (8) rep. ...                    | 61, s. 38 (3), sch. 9 Pt. II.                                    |
| S. 105 ext. ...                       | 61, s. 5 (6).                        |                                        |                                                                  |
| S. 105 (1) rep. in pt. ...            | 61, s. 38 (3), sch. 9 Pt. II.        |                                        |                                                                  |
| S. 106 expld. ...                     | 61, s. 11 (4).                       |                                        |                                                                  |
| S. 106 (1) rep. in pt. ...            | 61, s. 38 (3), sch. 9 Pt. I.         |                                        |                                                                  |

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| 1 & 2 Eliz. 2:<br>c. 46— <i>cont.</i> | Licensing Act, 1953—<br><i>cont.</i>   | S. 106 (4) rep. ... ..              | 61, ss. 11 (5), 38 (3), sch. 9 Pt. II.                           |
|                                       |                                        | S. 106 (6) rep. ... ..              | 61, ss. 11 (6), 38 (3), sch. 9 Pt. II.                           |
|                                       |                                        | S. 106 (7) (8) rep. ... ..          | 61, s. 38 (3), sch. 9 Pt. II.                                    |
|                                       |                                        | S. 107 expld. ... ..                | 61, s. 11 (4).                                                   |
|                                       |                                        | rep. in pt. ... ..                  | 61, s. 38 (3), sch. 9 Pt. II.                                    |
|                                       |                                        | S. 109 (3) rep. ... ..              | 61, s. 38 (3), sch. 9 Pt. II.                                    |
|                                       |                                        | S. 110 (1) am. ... ..               | 61, s. 5 (12).                                                   |
|                                       |                                        | S. 111 mod. ... ..                  | 61, s. 6 (1) (7).                                                |
|                                       |                                        | S. 112 (1) rep. ... ..              | 61, s. 38 (3), sch. 9 Pt. II.                                    |
|                                       |                                        | Ss. 113–119 ext. beyond Metropolis. | 61, s. 8 (1), sch. 3.                                            |
|                                       |                                        | S. 113 (1) rep. in pt. ... ..       | 61, 38 (3), sch. 9 Pt. II.                                       |
|                                       |                                        | S. 113 (5) rep. ... ..              | 61, s. 38 (3), sch. 9 Pt. II.                                    |
|                                       |                                        | S. 114 (1) rep. in pt. ... ..       | 61, 38 (3), sch. 9 Pt. II.                                       |
|                                       |                                        | S. 115 expld. ... ..                | 61, s. 33 (3).                                                   |
|                                       |                                        | rep. in pt. ... ..                  | 61, 38 (3), sch. 9 Pt. II.                                       |
|                                       |                                        | S. 116 expld. ... ..                | 61, s. 33 (3).                                                   |
|                                       |                                        | saved ... ..                        | 61, s. 10 (4).                                                   |
|                                       |                                        | S. 117 expld. ... ..                | 61, s. 7 (2).                                                    |
|                                       |                                        | excl. ... ..                        | 61, s. 8 (2) (5).                                                |
|                                       |                                        | ext. ... ..                         | 61, s. 8 (3) (6).                                                |
|                                       |                                        | S. 117 (2) mod. ... ..              | 61, s. 8 (7).                                                    |
|                                       |                                        | S. 117 (2) proviso (a) rep. ... ..  | 61, ss. 8 (6), 38 (3), sch. 9 Pt. II.                            |
|                                       |                                        | S. 117 (3)–(5) rep. ... ..          | 61, s. 38 (3), sch. 9 Pt. II.                                    |
|                                       |                                        | S. 117 (8) rep. ... ..              | 61, ss. 11 (6), 38 (3), sch. 9 Pt. II.                           |
|                                       |                                        | S. 118 expld. ... ..                | 61, s. 33 (3).                                                   |
|                                       |                                        | S. 118 (1) saved ... ..             | 61, s. 8 (9).                                                    |
|                                       |                                        | S. 119 (1) (a) rep. ... ..          | 61, s. 38 (3), sch. 9 Pt. II.                                    |
|                                       |                                        | S. 119 (2) am. ... ..               | 61, s. 8 (2).                                                    |
|                                       |                                        | S. 119 (4) am. ... ..               | 61, s. 33 (6).                                                   |
|                                       |                                        | S. 119 (6) rep. ... ..              | 61, s. 38 (3), sch. 9 Pt. II.                                    |
|                                       |                                        | Pt. VIII (ss. 120–142)              |                                                                  |
|                                       |                                        | saved ... ..                        | 61, s. 1 (13).                                                   |
| appl. (clubs) ... ..                  | 61, s. 35 (2).                         |                                     |                                                                  |
| ext. ... ..                           | 61, s. 16 (3).                         |                                     |                                                                  |
| S. 120 ext. ... ..                    | 61, s. 3 (7), sch. 1 paras. 2, 3.      |                                     |                                                                  |
| S. 120 (2) rep. and superseded        | 61, ss. 22 (2), 38 (3), sch. 9 Pt. II. |                                     |                                                                  |
| S. 120 (3)–(5) saved ... ..           | 61, s. 22 (3).                         |                                     |                                                                  |
| Ss. 123, 125 rep. (saving)            | 61, s. 38 (3), sch. 9 Pt. II.          |                                     |                                                                  |

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| 1 & 2 Eliz. 2:<br>c. 46— <i>cont.</i> | Licensing Act, 1953—<br><i>cont.</i>                | Ss. 126–127 mod. ...<br>S. 127 (1) rep. in pt. ...<br><br>Ss. 128, 129 rep. ...<br><br>S. 132 mod. ...<br>S. 134 saved ...<br>am. ...<br>S. 134 (1) rep. in pt. ...<br><br>S. 135 excl. ...<br><br>Ss. 136, 139–141 ext. ...<br>Pt. IX (ss. 143–147) rep.<br><br>S. 148 mod. ...<br>S. 148 (2) appl. ...<br>excl. ...<br>S. 148 (3) rep. ...<br><br>S. 149 ext. ...<br>S. 149 (2) rep. ...<br><br>S. 149 (3) ext. ...<br><br>Ss. 151, 154 appl. ...<br>S. 157 (1) (2) rep. in pt....<br><br>Ss. 159–164 appl. ...<br>S. 160 (4)–(6) rep. ...<br><br>S. 165 appl. ...<br>S. 165 (1) rep. in pt. ...<br><br>S. 165 (4) mod. ...<br><br>S. 165 (5) rep. ...<br><br>S. 166 appl. ...<br>S. 167 rep. in pt. ...<br><br>Sch. 1 Pt. II am. so far as relating to “confirming and compensation authorities”.<br>Sch. 1 Pt. II paras. 1–10 rep. in pt., 11–17 rep.<br>Schs. 2, 3, 5, 6 rep. ... | 61, s. 21 (4).<br>61, ss. 21 (9), 38 (3), sch. 9 Pt. II.<br>61, s. 38 (3), sch. 9 Pt. II.<br>61, s. 23 (1).<br>61, s. 15 (4).<br>61, s. 20.<br>61, s. 38 (3), sch. 9 Pt. II.<br>61, ss. 4 (3), 35 (4).<br>61, s. 3 (10).<br>61, s. 38 (3), sch. 9 Pt. II.<br>61, s. 4 (5).<br>61, s. 18 (4).<br>61, s. 18 (5).<br>61, ss. 18 (2), 38 (3), sch. 9 Pt. II.<br>61, s. 5 (12).<br>61, s. 38 (3), sch. 9 Pt. II.<br>61, s. 3 (7), sch. 1 paras. 2, 3.<br>61, s. 37 (7).<br>61, ss. 23 (4), 38 (3), sch. 9 Pt. II.<br>61, s. 37 (7).<br>61, s. 38 (3), sch. 9 Pt. I.<br>61, s. 37 (7).<br>61, s. 38 (3), schs. 4 para. 7, 9 Pt. II.<br>61, s. 12 (4), sch. 4 para. 2 (6).<br>61, s. 38 (3), sch. 9 Pt. II.<br>61, s. 37 (7).<br>61, s. 38 (3), sch. 9 Pt. II.<br>61, s. 12 (3).<br>61, s. 38 (3), sch. 9 Pt. II.<br>61, s. 38 (3), sch. 9 Pt. II. |
| c. 49 ...                             | Historic Buildings and Ancient Monuments Act, 1953. | Saved (S.) ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 41, s. 3 (3) (a).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 2 & 3 Eliz. 2:<br>c. 4 ...            | Post Office and Telegraph (Money) Act, 1953.        | Rep. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 15, s. 14.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| Session and Chap. or No. of Measure | Short title or Subject                             | How affected                                                                                                                                                                                                                                                     | Chapter of 1961 Act or Number of Measure or Statutory Instrument                                                                                                               |
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| 2 & 3 Eliz. 2:<br>c. 11 ... ..      | Licensing (Seamen's Canteens) Act, 1954.           | Excl. (certain liqueur chocolates).<br>Expld. (licensed premises) S. 7 expld. ... ..<br>S. 7 (1) proviso, 7 (2)-(4) rep.<br>S. 7 (6) rep. and superseded.<br>S. 11 (5) rep. ... ..                                                                               | 61, s. 24 (1).<br>61, s. 37 (6).<br>61 s. 5 (10) (11).<br>61, s. 38 (3), sch. 9 Pt. II.<br>61, ss. 7 (5), 38 (3), sch. 9 Pt. II.<br>61, s. 38 (3), sch. 9 Pt. I.               |
| c. 16 ... ..                        | Industrial Diseases (Benefit) Act, 1954.           | S. 2 (1) rep. in pt. ... ..                                                                                                                                                                                                                                      | 6 (10 Eliz. 2), s. 14 (4) sch. 4 Pt. II.                                                                                                                                       |
| c. 28 ... ..                        | Telegraph Act, 1954 ... ..                         | S. 1 (1) rep. in pt. ... ..<br>S. 1 (2) rep. in pt. ... ..<br>S. 1 (3) rep. ... ..                                                                                                                                                                               | 15, ss. 18, 28 (1) sch.<br>15, s. 28 (1) sch.<br>15, ss. 18, 28 (1) sch.                                                                                                       |
| c. 30 ... ..                        | Protection of Birds Act, 1954.                     | S. 1 (4) rep. 1 (6) rep. in pt. Saved ... ..<br>Sch. 1 Pt. I am. (E.) ... ..<br>am. (S.) ... ..                                                                                                                                                                  | 15 s. 28 (1), sch. 64, s. 74 (4).<br>S.I. 1961/470.<br>S.I. 1961/690.                                                                                                          |
| c. 32 ... ..                        | Atomic Energy Authority Act, 1954.                 | S. 5 (4). Period ext. for certain purposes until 31.12.1962.                                                                                                                                                                                                     | S.I. 1961/840.                                                                                                                                                                 |
| c. 36 ... ..                        | Law Reform (Limitation of Actions, &c.) Act, 1954. | S. 6 excl. ( <i>prosp.</i> ) ... ..                                                                                                                                                                                                                              | 27, s. 11.                                                                                                                                                                     |
| c. 44 ... ..                        | Finance Act, 1954 ... ..                           | S. 28 (7) am. ... ..                                                                                                                                                                                                                                             | 45, s. 29 (3).                                                                                                                                                                 |
| c. 55 ... ..                        | Television Act, 1954 ... ..                        | Ext. (mod.) (Channel Islands).<br>S. 18 rep. ... ..                                                                                                                                                                                                              | S.I. 1961/2039.<br>15, s. 28 (1) sch.                                                                                                                                          |
| c. 56 ... ..                        | Landlord and Tenant Act, 1954.                     | Sch. 8 para. 3 rep. ... ..                                                                                                                                                                                                                                       | 55, s. 9 (4), sch. 3 Pt. II.                                                                                                                                                   |
| c. 62 ... ..                        | Post Office Savings Bank Act, 1954.                | S. 4 expld. ... ..<br>S. 4 (4) rep. ... ..<br>S. 8 (1) ext. ... ..<br>S. 14 (1) rep. so far as relating to trustees.<br>Ss. 15, 16 (1)-(3), 18 (1) am., 19 (1) (b) subst. by 19 (1) (b) (c), 19 (2) am., 22 (1) rep. in pt., 22 (2) am., 22 (3) rep., 23 (2) am. | 62, s. 16 (1), sch. 4 para. 5.<br>62, s. 16 (2), sch. 5.<br>62, s. 16 (1), sch. 4 para. 4.<br>62, s. 16 (1), sch. 4 para. 4 (3).<br>15, s. 28 (1), sch.                        |
| c. 63 ... ..                        | Trustee Savings Banks Act, 1954.                   | S. 1 (3) (a) am. ... ..<br>Ss. 12, 15, 17 expld. ... ..<br>S. 20 (1) ext. ... ..<br>S. 22 saved ... ..<br>S. 24 (1) rep. so far as relating to trustees.                                                                                                         | 62, s. 16 (1), sch. 4 para. 4.<br>62, s. 16 (1), sch. 4 para. 5.<br>62, s. 16 (1), sch. 4 para. 4.<br>62, s. 16 (1), sch. 4 para. 4 (2).<br>62, s. 16 (1), sch. 4 para. 4 (3). |
| c. 70 ... ..                        | Mines and Quarries Act, 1954.                      | S. 184 am. ... ..<br>S. 184 (5) subst....<br>S. 191 (7) rep. (E.) ( <i>prosp.</i> )                                                                                                                                                                              | 34, s. 174 (1).<br>34, s. 174 (1).<br>45, s. 29 (2), sch. 5 Pt. 1.                                                                                                             |

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| 2 & 3 Eliz. 2:<br>c. 71 ... ..      | Overseas Resources Development Act, 1954. | Rep. ... ..                                                    | 1 (10 Eliz. 2), s. 4 (1).                                        |
| c. 72 ... ..                        | Town and Country Planning Act, 1954.      | S. 71 (7) rep. ... ..                                          | 33, s. 40 (3), sch. 5.                                           |
| C.A.M. No. 4                        | Clergy Pensions Measure, 1954.            | Rep. ... ..                                                    | C.A.M. No. 3, s. 48 (1), sch. 3.                                 |
| 3 & 4 Eliz. 2:<br>c. 18 ... ..      | Army Act, 1955... ..                      | Contd. until 31.12.1962<br>Power to continue until 31.12.1966. | 52, s. 1 (1).<br>52, s. 1 (2) (3).                               |
|                                     |                                           | Restr. (meaning of "colony").                                  | 16, s. 3 (2) (a).<br>1 (10 Eliz. 2), s. 3 (2) (a).               |
|                                     |                                           | Ss. 4-8 excl. ... ..                                           | 52, s. 7 (1) (8).                                                |
|                                     |                                           | Ss. 13, 14 am. ... ..                                          | 52, s. 7 (2) (8).                                                |
|                                     |                                           | S. 14 (1) subst. ... ..                                        | 52, s. 17 (1).                                                   |
|                                     |                                           | S. 17 excl. ... ..                                             | 52, s. 7 (5) (8).                                                |
|                                     |                                           | S. 17 (2) expld. ... ..                                        | 52, s. 7 (3) (8).                                                |
|                                     |                                           | S. 17 (4) (6) expld. ... ..                                    | 52, s. 7 (4) (8).                                                |
|                                     |                                           | S. 20 (5) am. ... ..                                           | 52, s. 7 (6).                                                    |
|                                     |                                           | S. 22 ext. ... ..                                              | 52, s. 3 (1).                                                    |
|                                     |                                           | am. ... ..                                                     | 52, s. 7 (7).                                                    |
|                                     |                                           | S. 24 (1) (d) subst. ... ..                                    | 52, s. 20.                                                       |
|                                     |                                           | S. 24 (1) (f)-(h) added... ..                                  | 52, s. 31 (1).                                                   |
|                                     |                                           | S. 24 (2) am. ... ..                                           | 52, s. 31 (2).                                                   |
|                                     |                                           | S. 24 (3) added ... ..                                         | 52, s. 31 (3).                                                   |
|                                     |                                           | S. 26 (1) (c) added ... ..                                     | 52, s. 32.                                                       |
|                                     |                                           | S. 37 (3) restr. ... ..                                        | 52, s. 38 (1), sch. 2.                                           |
|                                     |                                           | S. 44 para. (b) am. ... ..                                     | 52, s. 21.                                                       |
|                                     |                                           | S. 44 (2) (3) added ... ..                                     | 52, s. 33.                                                       |
|                                     |                                           | S. 45 para. (b) am. ... ..                                     | 52, s. 21.                                                       |
|                                     |                                           | S. 46 paras. (aa) (ab) added.                                  | 52, s. 34.                                                       |
|                                     |                                           | S. 70 (3) saved ... ..                                         | 39, s. 39 (2).                                                   |
|                                     |                                           | S. 70 (3) (b) ext. ... ..                                      | 52, s. 19 (6).                                                   |
|                                     |                                           | S. 70 (4) (5) am. ... ..                                       | 60, ss. 2 (3), 3 (3), sch. 1 Pt. II.                             |
|                                     |                                           | S. 71 (2) (ee) added ... ..                                    | 52, s. 19 (2) (a), (6).                                          |
|                                     |                                           | S. 71 (6) am. ... ..                                           | 52, s. 19 (2) (b), (6).                                          |
|                                     |                                           | S. 72 (2) (ee) added ... ..                                    | 52, s. 18 (2) (a) (i). (ii).                                     |
|                                     |                                           | S. 72 (2) (hh) added ... ..                                    | 52, s. 18 (2) (a) (ii).                                          |
|                                     |                                           | S. 72 (2) (hhh) added ... ..                                   | 52, s. 19 (3) (a), (6).                                          |
|                                     |                                           | S. 72 (2) (j) rep. ... ..                                      | 52, s. 18 (2) (a) (iii).                                         |
|                                     |                                           | S. 72 (6) am. ... ..                                           | 52, s. 18 (2) (a) (iv).                                          |
|                                     |                                           | S. 72 (7) am. ... ..                                           | 52, s. 19 (3) (b), (6).                                          |
|                                     |                                           | S. 72 (8) subst. ... ..                                        | 52, s. 18 (2) (a) (v).                                           |
|                                     |                                           | S. 73 (1) rep. ... ..                                          | 52, s. 18 (2) (a) (vi).                                          |
|                                     |                                           | S. 78 (3) (aa) added ... ..                                    | 52, s. 18 (2) (b) (i).                                           |
|                                     |                                           | S. 78 (3) (aaa) added ... ..                                   | 52, s. 19 (4) (a), (6).                                          |

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| 3 & 4 Eliz. 2:<br>c. 18— <i>cont.</i>   | Army Act, 1955— <i>cont.</i>          | S. 78 (3) (c) rep. ...                               | 52, s. 18 (2) (b)                                                |
|                                         |                                       |                                                      | (ii).                                                            |
|                                         |                                       | S. 78 (3) proviso subst....                          | 52, s. 19 (4) (b),<br>(6).                                       |
|                                         |                                       | S. 78 (3A) added ...                                 | 52, s. 37 (1) (2)<br>(a).                                        |
|                                         |                                       | S. 78 (4) am. ...                                    | 52, s. 22.                                                       |
|                                         |                                       | S. 78 (6) am. ...                                    | 52, s. 37 (1) (2)<br>(b).                                        |
|                                         |                                       | S. 79 (5) am. ...                                    | 52, s. 19 (5) (b),<br>(6).                                       |
|                                         |                                       | S. 79 (5) (aa) added ...                             | 52, s. 19 (5) (a),<br>(6).                                       |
|                                         |                                       | S. 79 (6) am. ...                                    | 52, s. 19 (5)(c).                                                |
|                                         |                                       | S. 80 (2) rep. ...                                   | 52, s. 23.                                                       |
|                                         |                                       | S. 99 (2) proviso (b) am.                            | 52, s. 24.                                                       |
|                                         |                                       | S. 102 (2) added ...                                 | 21, s. 1.                                                        |
|                                         |                                       | S. 115 (3) rep. in pt. ...                           | 52, s. 25.                                                       |
|                                         |                                       | S. 115 (3A) added ...                                | 52, s. 25.                                                       |
|                                         |                                       | S. 122 (3) am. ...                                   | 39, s. 22 (3).                                                   |
|                                         |                                       | S. 135 (2) subst....                                 | 52, s. 26 (1).                                                   |
|                                         |                                       | S. 135 (4) am. ...                                   | 52, s. 26 (3).                                                   |
|                                         |                                       | S. 137 (1) am. ...                                   | 52, s. 26 (2).                                                   |
|                                         |                                       | S. 144 (7) am. ...                                   | 52, s. 38 (1),<br>sch. 2.                                        |
|                                         |                                       | S. 146 subst. ...                                    | 52, s. 27 (1).                                                   |
|                                         |                                       | S. 147 (2) am. ...                                   | 52, s. 28 (1).                                                   |
|                                         |                                       | S. 150 (1) (a) rep. in pt.                           | 52, s. 29 (2).                                                   |
|                                         |                                       | S. 150 (3) proviso am. ...                           | 52, s. 29 (2).                                                   |
|                                         |                                       | S. 150 (5) am. ...                                   | 52, s. 29 (1).                                                   |
|                                         |                                       | S. 189 (1) am. ...                                   | 52, s. 30.                                                       |
|                                         |                                       | S. 198 (5) am. ...                                   | 52, s. 38 (1),<br>sch. 2.                                        |
|                                         |                                       | S. 201 (1) am. ...                                   | 52, s. 37 (1) (2).                                               |
|                                         |                                       | S. 207 (3) am. ...                                   | 52, s. 35.                                                       |
|                                         |                                       | S. 214 (8) rep. in pt. ...                           | 52, s. 29 (2).                                                   |
|                                         |                                       | S. 225 (1). Definition of "acting rank" rep. in pt.  | 52, s. 37 (1) (2).                                               |
|                                         |                                       | S. 225 (1) am. (definition of "air signal" added).   | 52, s. 38 (1),<br>sch. 2.                                        |
|                                         |                                       | S. 225 (1) am. (definition of "Commonwealth force"). | 16, s. 3 (2) (b).<br>1 (10 Eliz. 2), s. 3<br>(2) (b).            |
| S. 225 (1) am. (definition of "corps"). | 52, s. 38 (1),<br>sch. 2.             |                                                      |                                                                  |
| S. 226 (2)–(5) rep. ...                 | 52, s. 1 (5).                         |                                                      |                                                                  |
| Sch. 3 para. 9 rep. ...                 | 52, s. 38 (1),<br>sch. 2.             |                                                      |                                                                  |
| Sch. 7 para. 2 (2) am. ...              | 52, s. 16, sch. 1<br>para. 1.         |                                                      |                                                                  |
| Sch. 7 para. 2 (3) am. ...              | 52, s. 16, sch. 1<br>para. 1.         |                                                      |                                                                  |
| Sch. 7 para. 2 (4) am. ...              | 52, s. 16, sch. 1<br>paras. 2, 7.     |                                                      |                                                                  |
| Sch. 7 para. 3 (1) subst.               | 52, s. 16, sch. 1<br>paras. 3, 7.     |                                                      |                                                                  |
| Sch. 7 para. 4 (2) am. ...              | 52, s. 16, sch. 1<br>para. 4 (1).     |                                                      |                                                                  |
| Sch. 7 para. 4 (3) am. ...              | 52, s. 16, sch. 1<br>paras. 4 (2), 7. |                                                      |                                                                  |



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| 3 & 4 Eliz. 2:<br>c. 18— <i>cont.</i> | Army Act, 1955— <i>cont.</i> | Sch. 7 para. 5 (4) am. ...<br>Sch. 7 para. 5 (6) rep. ...<br>Sch. 7 para. 5 (7) am. ...<br>Sch. 7 para. 10 am. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 52, s. 16, sch. 1 para. 5 (1).<br>52, s. 16, sch. 1 para. 5 (2).<br>52, s. 16, sch. 1 para. 1.<br>52, s. 16, sch. 1 para. 6.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| c. 19 ... ..                          | Air Force Act, 1955 ...      | Contd. until 31.12.1962...<br>Power to continue until 31.12.1966.<br><br>Restr. (meaning of "colony").<br>Pt. I am. ... ..<br>Ss. 4-8 rep. (saving) ...<br>S. 14 (1) subst. ... ..<br>S. 17 mod. ... ..<br>restr. ... ..<br><br>S. 20 (1) (5) am. ... ..<br>S. 24 (1) (d) subst. ... ..<br>S. 37 (3) restr. ... ..<br><br>Ss. 44 (1) (b), 45 para. (b) am.<br>S. 70 (3) saved ... ..<br>S. 70 (3) (b) ext. ... ..<br>S. 70 (4) (5) am. ... ..<br><br>S. 71 (2) (ee) added ... ..<br><br>S. 71 (6) am. ... ..<br><br>S. 72 (2) (ee) added ... ..<br><br>S. 72 (2) (hh) added ... ..<br><br>S. 72 (2) (hhh) added ... ..<br><br>S. 72 (2) (j) rep. ... ..<br><br>S. 72 (6) am. ... ..<br><br>S. 72 (7) am. ... ..<br><br>S. 72 (8) subst. ... ..<br><br>S. 73 (1) rep. ... ..<br><br>S. 78 (3) (aa) added ... ..<br><br>S. 78 (3) (aaa) added ... ..<br><br>S. 78 (3) (c) rep. ... ..<br>S. 78 (3) proviso subst....<br>S. 78 (4) am. ... ..<br>S. 79 (5) am. ... ..<br>S. 79 (5) (aa) added ... ..<br><br>S. 79 (6) am. ... .. | 52, s. 1 (1).<br>52, s. 1 (2) (3).<br><br>16, s. 3 (2) (a).<br>1 (10 Eliz. 2), s. 3 (2) (a).<br>52, s. 14 (1).<br>52, ss. 14, 15.<br>52, s. 17.<br>52, s. 13.<br>52, s. 38 (1), sch. 2.<br>52, s. 14 (2).<br>52, s. 20.<br>52, s. 38 (1), sch. 2.<br>52, s. 21.<br>39, s. 39 (2).<br>52, s. 19 (6).<br>60, ss. 2 (3), 3 (3), sch. 1 Pt. II.<br>52, s. 19 (2) (a), (6).<br>52, s. 19 (2) (b), (6).<br>52, s. 18 (2) (a) (i).<br>52, is. 18 (2) (a) (i).<br>52, s. 19 (3) (a), (6).<br>52, s. 18 (2) (a) (ii).<br>52, s. 18 (2) (a) (iii).<br>52, s. 19 (3) (b), (6).<br>52, s. 18 (2) (a) (iv).<br>52, s. 18 (2) (a) (v).<br>52, s. 18 (2) (c) (i).<br>52, s. 19 (4) (a), (6).<br>52, s. 18 (2) (c).<br>52, s. 19 (4) (b).<br>52, s. 22.<br>52, s. 19 (5) (b).<br>52, s. 19 (5) (a), (6).<br>52, s. 19 (5) (c). |

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| 3 & 4 Eliz. 2:<br>c. 19— <i>cont.</i> | Air Force Act, 1955—<br><i>cont.</i> | <p>S. 80 (2) rep. ... .. 52, s. 23.<br/>                     S. 81 ext. ... .. 52, s. 13 (4).<br/>                     S. 99 (2) proviso (b) am. ... .. 52, s. 24.<br/>                     S. 101 para. (e) am. and rep. in pt. ... .. 52, s. 38 (1), sch. 2.<br/>                     S. 102 (2) added ... .. 21, s. 1.<br/>                     S. 115 (3) rep. in pt. ... .. 52, s. 25.<br/>                     S. 115 (3A) added ... .. 52, s. 25.<br/>                     S. 122 (3) am. ... .. 39, s. 22 (3).<br/>                     S. 135 (2) subst.... ... .. 52, s. 26 (1).<br/>                     S. 135 (4) am. ... .. 52, s. 26 (3).<br/>                     S. 137 (1) am. ... .. 52, s. 26 (2).<br/>                     S. 144 (7) am. ... .. 52, s. 38 (1), sch. 2.<br/>                     S. 146 subst. ... .. 52, s. 27.<br/>                     S. 147 (2) am. ... .. 52, s. 28.<br/>                     S. 150 (1) (a) rep. in pt. ... .. 52, s. 29 (2).<br/>                     S. 150 (3) am. ... .. 52, s. 29 (2).<br/>                     S. 150 (5) am. ... .. 52, s. 29 (1).<br/>                     S. 189 (1) am. ... .. 52, s. 30.<br/>                     S. 198 (5) am. ... .. 52, s. 38 (1), sch. 2.<br/>                     S. 207 (3) am. ... .. 52, s. 35.<br/>                     S. 212 (8) rep. in pt. ... .. 52, s. 29 (2).<br/>                     S. 223 (1) am. (definition of "Commonwealth force") } 16, s. 3 (2) (b).<br/>                     S. 224 (2)–(5) rep. ... .. 1 (10 Eliz. 2), s. 3 (2) (b).<br/>                     Sch. 3 para. 9 rep. ... .. 52, s. 1 (5).<br/>                     Sch. 3 para. 9 rep. ... .. 52, s. 38 (1), sch. 2.<br/>                     Sch. 6 para. 3A added ... .. 52, s. 37 (1) (3).<br/>                     Sch. 6 para. 11 rep. in pt. ... .. 52, s. 38 (1), sch. 2.</p> |                                                                  |
| c. 21 ... ..                          | Crofters (Scotland) Act, 1955.       | <p>Ext. ... .. 58, s. 2 (1)–(4).<br/>                     Am. ... .. 58, s. 18 (1), sch. 1 Pt. II.<br/>                     S. 1 (3) am. ... .. 58, s. 1.<br/>                     S. 3 (1) am. ... .. 58, s. 18 (1), sch. 1 Pt. II.<br/>                     S. 4 rep. ... .. 58, ss. 2 (6), 18 (2), sch. 3.<br/>                     S. 7 (2) am. ... .. 58, s. 6 (5), sch. 1 Pt. I.<br/>                     S. 8 (2) rep. in pt. ... .. 58, s. 18 (1) (2), schs. 1 Pt. II, 3.<br/>                     S. 8 (3) am. ... .. 58, s. 18 (1), sch. 1 Pt. II.<br/>                     S. 8 (4) (5) rep. in pt. ... .. 58, s. 18 (1) (2), schs. 1 Pt. II, 3.<br/>                     S. 8 (6) added ... .. 58, s. 18 (1), sch. 1 Pt. II.<br/>                     S. 11 (7A) (7B) added ... .. 58, s. 6 (5), sch. 1 Pt. I.<br/>                     S. 12 (2) am. ... .. } 58, s. 18 (1), sch. 1 Pt. II.<br/>                     S. 12 (4) added ... .. }<br/>                     S. 13 (3) am. ... .. 58, s. 6 (5), sch. 1 Pt. I.<br/>                     S. 14 (1) ext. ... .. 58, s. 6 (1).<br/>                     S. 14 (1) (a) ext. ... .. 58, s. 5 (2) (3).<br/>                     S. 14 (4) (5) rep. ... .. 58, ss. 6 (6), 18 (2), sch. 3.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                  |

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| 3 & 4 Eliz. 2:<br>c. 21— <i>cont.</i> | Crofters (Scotland) Act,<br>1955— <i>cont.</i> | <p>S. 14 (7) am. ... ..</p> <p>S. 15 (2)–(4) rep. ... ..</p> <p>S. 16 (3A) added ... ..</p> <p>S. 16 (6) appl. ... ..</p> <p>S. 16 (7) rep. in pt. ... ..</p> <p>S. 16 (8) am. ... ..</p> <p>    appl. ... ..</p> <p>S. 16 (9) am., 16 (11A),<br/>    (13) added. ... ..</p> <p>S. 17 (1) am. ... ..</p> <p>    appl. ... ..</p> <p>S. 17 (3) appl. (mod.) ... ..</p> <p>S. 17 (4) am. ... ..</p> <p>    ext. ... ..</p> <p>    appl. ... ..</p> <p>S. 17 (4) (b) rep. ... ..</p> <p>S. 17 (5) ext. ... ..</p> <p>    appl. (mod.) ... ..</p> <p>S. 17 (6)–(9) appl. (mod.) ... ..</p> <p>S. 17 (8) rep. in pt. ... ..</p> <p>S. 17 (10) appl. (mod.) ... ..</p> <p>Ss. 19, 20 rep. ... ..</p> <p>S. 21 rep. ... ..</p> <p>S. 22 (1) am. ... ..</p> <p>Ss. 24–27 am. ... ..</p> <p>S. 24 (1) expld. ... ..</p> <p>S. 24 (2) am. ... ..</p> <p>S. 25 (1) (a) am. ... ..</p> <p>S. 26 (2) am. ... ..</p> <p>S. 27 (3) am. ... ..</p> <p>    ext. ... ..</p> <p>S. 27 (4) ext. ... ..</p> <p>S. 27 (6) rep. ... ..</p> <p>Ss. 28 (2) subst. by 28 (2)<br/>    (2A) (2B). ... ..</p> <p>Ss. 32 (2), 34 (1) am. ... ..</p> <p>S. 34 (2) rep. ... ..</p> <p>S. 37 (1) am. ... ..</p> <p>S. 37 (2) rep. ... ..</p> <p>S. 38 (2) am. ... ..</p> | <p>58, s. 6 (5), sch. 1<br/>Pt. I.</p> <p>58, ss. 3 (4), 18<br/>(2), sch. 3.</p> <p>58, s. 18 (1), sch.<br/>1 Pt. II.</p> <p>58, s. 9 (7).</p> <p>58, s. 18 (2), sch.<br/>3.</p> <p>58, s. 6 (5), sch. 1<br/>Pt. I.</p> <p>58 s. 9 (7).</p> <p>58, s. 18 (1), sch.<br/>1 Pt. II.</p> <p>58, s. 7 (1).</p> <p>58, s. 8 (3) (e).</p> <p>58, s. 12 (15).</p> <p>58, s. 7 (3).</p> <p>58, s. 7 (4) (5).</p> <p>58, s. 8 (3) (e).</p> <p>58, ss. 7 (2), 18<br/>(2), sch. 3.</p> <p>58, s. 7 (6).</p> <p>58, s. 8 (3) (e).</p> <p>58, s. 8 (3) (e).</p> <p>58, s. 6 (5), sch. 1<br/>Pt. I.</p> <p>58, s. 8 (3) (e).</p> <p>58, ss. 9 (12), 18<br/>(2), sch. 3.</p> <p>58, ss. 10, 18 (2),<br/>sch. 3.</p> <p>58, s. 14.</p> <p>58, s. 15 (6).</p> <p>58, s. 15 (1).</p> <p>58, s. 18 (1), sch.<br/>1 Pt. II.</p> <p>58, s. 18 (1), sch.<br/>1 Pt. II.</p> <p>58, ss. 15 (2),<br/>18 (1), sch. 1<br/>Pt. II.</p> <p>58, s. 15 (4).</p> <p>58, s. 15 (5).</p> <p>58, s. 15 (5).</p> <p>58, s. 18 (2),<br/>sch. 3.</p> <p>58, s. 6 (5), sch. 1<br/>Pt. I.</p> <p>58, s. 18 (1),<br/>sch. 1 Pt. II.</p> <p>58, ss. 4 (4), 18<br/>(2), sch. 3.</p> <p>58, s. 18 (1),<br/>sch. 1 Pt. II.</p> <p>58, s. 18 (2),<br/>sch. 3.</p> <p>58, s. 18 (1),<br/>sch. 1 Pt. II.</p> |

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| 3 & 4 Eliz. 2:<br>c. 21— <i>cont.</i> | Crofters Scotland) Act,<br>1955— <i>cont.</i>                      | Sch. 2 para. 3 ext. ...<br>am. ... ...                                                      | 58, s. 5 (1).<br>58, s. 18 (1),<br>sch. 1 Pt. II.                |
|                                       |                                                                    | Sch. 2 para. 3A added ...                                                                   | 58, s. 18 (1), sch.<br>1 Pt. II.                                 |
|                                       |                                                                    | Sch. 2 para. 5 subst. ...                                                                   | 58, s. 18 (1),<br>sch. 1 Pt. II.                                 |
|                                       |                                                                    | Sch. 4 rep. ... ...                                                                         | 58, s. 18 (2),<br>sch. 3.                                        |
|                                       |                                                                    | Sch. 5 paras. 10 am., 11<br>added.                                                          | 58, s. 18 (1), sch.<br>1 Pt. II.                                 |
| c. 29 ... ...                         | National Insurance Act,<br>1955.                                   | Ss. 1 (1) rep., 3 rep. in pt.                                                               | 6 (10 Eliz. 2),<br>s. 14 (4), sch. 4<br>Pt. II.                  |
| 4 & 5 Eliz. 2:<br>c. 6 ... ...        | Miscellaneous Financial<br>Provisions Act, 1955.                   | S. 5 ext. ... ...                                                                           | 36, s. 35 (5).                                                   |
|                                       |                                                                    | S. 5 (2)–(10) appl. ...                                                                     | 36, s. 36 (2).                                                   |
| c. 9 ... ...                          | Rating and Valuation<br>(Miscellaneous Pro-<br>visions) Act, 1955. | S. 1 (2) rep. in pt. ( <i>prosp.</i> )                                                      | 45, s. 29 (2),<br>sch. 5 Pt. I.                                  |
|                                       |                                                                    | S. 1 (7) am. ( <i>prosp.</i> ) ...                                                          | 45, ss. 16, 25,<br>sch. 4 para. 14.                              |
|                                       |                                                                    | S. 4 (2) (a) rep. in pt.<br>( <i>prosp.</i> ), 4 (4) rep.<br>( <i>prosp.</i> )              | 45, s. 29 (2),<br>sch. 5 Pt. III.                                |
|                                       |                                                                    | S. 4 (5) (6) rep. ( <i>prosp.</i> ) ...                                                     | 45, s. 29 (2),<br>sch. 5 Pt. I.                                  |
|                                       |                                                                    | S. 5 (6) (b), (7) rep.<br>( <i>prosp.</i> )                                                 | 45, s. 29 (2),<br>sch. 5 Pt. I.                                  |
|                                       |                                                                    | S. 8 rep. (saving) ( <i>prosp.</i> )                                                        | 45, ss. 12 (1) (2)<br>(4), 29 (2), sch.<br>5 Pt. I.              |
|                                       |                                                                    | S. 10 rep. ... ...                                                                          | 45, s. 29 (2),<br>sch. 5 Pt. II.                                 |
|                                       |                                                                    | S. 16 (5) rep. in pt.<br>( <i>prosp.</i> )                                                  | 45, s. 29 (2),<br>sch. 5 Pt. I.                                  |
|                                       |                                                                    | Sch. 5 rep. ( <i>prosp.</i> ) ...                                                           | 45, s. 29 (2),<br>sch. 5 Pt. I.                                  |
|                                       |                                                                    | Sch. 7 Pt. II. rep. ( <i>prosp.</i> )                                                       | 45, s. 29 (2),<br>sch. 5 Pt. III.                                |
| c. 14 ... ...                         | Post Office and Telegraph<br>(Money) Act, 1955.                    | Rep. ... ...                                                                                | 15, s. 14.                                                       |
| c. 16 ... ...                         | Food and Drugs Act,<br>1955.                                       | S. 9 expld. ... ...                                                                         | S.I. 1961/1931,<br>reg. 4.                                       |
|                                       |                                                                    | S. 23 ext. (exc. London)<br>Ss. 108 (3) (4), 110, 112,<br>113, 115 (2), 116 appl.<br>(mod.) | 64, s. 41 (1).<br>S.I. 1961/1931,<br>reg. 6.                     |
| c. 30 ... ...                         | Food and Drugs (Scot-<br>land) Act, 1956.                          | S. 9 expld. ... ...                                                                         | S.I. 1961/1942,<br>reg. 5.                                       |
|                                       |                                                                    | Ss. 41 (2) (4) (5), 42 (1)<br>(3), 44, 46 (2), 47 appl.<br>(mod.)                           | S.I. 1961/1942,<br>reg. 7.                                       |
| c. 33 ... ...                         | Housing Subsidies Act,<br>1956.                                    | S. 9 (2) appl. (mod.) ...                                                                   | 65, s. 10 (3).                                                   |
| c. 42 ... ...                         | Occasional Licences and<br>Young Persons Act,<br>1956.             | Rep. (E.) ... ...                                                                           | 61, s. 38 (3),<br>sch. 9 Pt. II.                                 |
| c. 45 ... ...                         | Small Lotteries and<br>Gaming Act, 1956.                           | S. 5 (2) appl. ... ...                                                                      | 36, s. 4 (3).                                                    |

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| 4 & 5 Eliz. 2:<br>c. 46 ... ..      | Administration of Justice Act, 1956.                            | Ss. 3, 4, 6-8 appl. (mod.) (Gibraltar).                                      | S.I. 1961/2031.                                                  |
|                                     |                                                                 | Ss. 3, 4, 6-8 appl. (mod.) (Seychelles).                                     | S.I. 1961/2032.                                                  |
|                                     |                                                                 | Ss. 3, 4, 6-8 appl. (mod.) (Virgin Islands).                                 | S.I. 1961/2033.                                                  |
| c. 49 ... ..                        | Agriculture (Safety, Health and Welfare Provisions) Act, 1956.  | S. 1 (7). Apptd. day for repeal of 41 & 42 Vict. c. 12 (1.8.1961).           | S.I. 1961/1109.                                                  |
|                                     |                                                                 | S. 1 (7) (a). Apptd. day (14.7.61).                                          | S.I. 1961/1108.                                                  |
|                                     |                                                                 | S. 1 (7) (b). Apptd. day (14.7.61).                                          | S.I. 1961/1069.                                                  |
| c. 50 ... ..                        | Family Allowances and National Insurance Act, 1956.             | Ss. 2 (1) rep. in pt., 6 (1) rep. in pt., 6 (2)-(7) rep.                     | 6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.                         |
|                                     |                                                                 | S. 9 (2) rep. in pt. ...                                                     | 6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. II.                        |
|                                     |                                                                 | Sch. paras. 15-17 rep. ...                                                   | 6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.                         |
| c. 51 ... ..                        | Workmen's Compensation and Benefit (Supplementation) Act, 1946. | S. 1 (3) am. ... ..                                                          | 6 (10 Eliz. 2), s. 3 (4).                                        |
|                                     |                                                                 | S. 2 am. ... ..                                                              | 6 (10 Eliz. 2), s. 1 (1).                                        |
| c. 52 ... ..                        | Clean Air Act, 1956 ...                                         | Ss. 10, 24, 29 (1), 32 (6), 34 (1) am. ( <i>prosp.</i> ).                    | 64, ss. 5 (1) 11, (2), 86 (2) (a), sch. 1 Pt. III.               |
| c. 54 ... ..                        | Finance Act, 1956 ...                                           | S. 39 (1) am. ... ..                                                         | 36, s. 33 (4).                                                   |
| c. 60 ... ..                        | Valuation and Rating (Scotland) Act, 1956.                      | Sch. 2 am. ... ..                                                            | S.I. 1961/2083.                                                  |
| c. 67 ... ..                        | Road Traffic Act, 1956...                                       | Apptd. days fixed for s. 2 for certain purposes.                             | S.I. 1961/148.                                                   |
|                                     |                                                                 | Apptd. day for s. 3 and sch. 1 (11.9.1961).                                  | S.I. 1961/1586.                                                  |
| c. 73 ... ..                        | Crown Estate Act, 1956                                          | Rep. ... ..                                                                  | 55, s. 9 (4), sch. 3 Pt. II.                                     |
| c. 74 ... ..                        | Copyright Act, 1956 ...                                         | Appl. in pt. (Uganda) ...                                                    | S.I. 1961/2462.                                                  |
|                                     |                                                                 | Appl. in pt. (Zanzibar)...                                                   | S.I. 1961/2463.                                                  |
|                                     |                                                                 | Appl. in pt. (mod.) ...                                                      | S.I. 1961/60, 2460.                                              |
|                                     |                                                                 | S. 14 appl. so far as relating to television broadcasts (France and Sweden). | S.I. 1961/993.                                                   |
|                                     |                                                                 | S. 31 (1) (c) expld. }                                                       | 16, s. 3 (3), sch. 3 para. 13.                                   |
|                                     |                                                                 |                                                                              | 1 (10 Eliz. 2), s. 3 (4), sch. 2 para. 13.                       |
|                                     |                                                                 | Sch. 7 para. 39 (2) excl. }                                                  | 16, s. 3 (3), sch. 3 para. 14.                                   |
|                                     |                                                                 |                                                                              | 1 (10 Eliz. 2), s. 3 (4), sch. 2 para. 14.                       |
| 5 & 6 Eliz. 2:<br>c. 6 ... ..       | Ghana Independence Act, 1957.                                   | Sch. 2 para. 4 rep. ...                                                      | 62, s. 16 (2), sch. 5.                                           |
| c. 11 ... ..                        | Homicide Act, 1957 ...                                          | S. 4 (1) (2) rep. in pt. ...                                                 | 60, s. 3 (2), sch. 2.                                            |



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| 5 & 6 Eliz. 2:<br>c. 26 ... ..      | National Insurance Act, 1957.                    | Appl. ... ..<br>S. 5 (2) (b) am. ... ..<br>S. 5 (3) rep. in pt. ... ..<br><br>Ss. 7 (1) rep. in pt. ... ..<br>9 (2) rep. in pt. ... ..<br>S. 10 (2) rep. in pt. ... ..<br><br>S. 10 (3) rep. ... ..                                                                                                                                                                              | 36, s. 30 (5) (6), sch. 5.<br>6 (10 Eliz. 2), s. 7 (2) (a).<br>6 (10 Eliz. 2), ss. 7 (2) (b), 14 (4), sch. 4 Pt. II.<br>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. II.<br>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. II.                                                                |
| c. 34 ... ..                        | National Health Service Contributions Act, 1957. | Appl. ... ..<br>S. 1 (1) am. ... ..<br>S. 1 (2) (3) expld. ... ..<br>S. 2 expld. and rep. in pt. ... ..<br>S. 3 (1) (2) expld. ... ..<br>S. 3 (4) am. ( <i>retrosp.</i> ) ... ..<br>S. 3 (6) appl. ... ..<br>S. 3 (7) am. ... ..<br>S. 4 (1) (3) am., 4 (3A) (3B) added, 4 (6) am. ( <i>all retrosp.</i> ).<br>S. 5 appl. ... ..<br>Sch. 1 subst. ... ..<br>S. 3 (7) rep. ... .. | 36, s. 30 (5) (6), sch. 5.<br>13, s. 1 (3), sch. 2 para. 1.<br>13, s. 1 (2).<br>13, s. 1 (3), sch. 2 para. 1 (5).<br>13, s. 1 (3), sch. 2 para. 1 (5).<br>13, s. 1 (3), sch. 2 para. 1 (4).<br>13, s. 1 (4).<br>13, s. 1 (3) sch. 2 para. 2.<br>13, s. 1 (3), sch. 2 para. 3. |
| c. 42 ... ..                        | Parish Councils Act, 1957                        | S. 5 excl. and expld. ... ..<br>Sch. 1 para. 3 am. ... ..<br>S. 3 (7) rep. ... ..                                                                                                                                                                                                                                                                                                | 64, s. 45 (10).<br>64, s. 54 (8).                                                                                                                                                                                                                                             |
| c. 48 ... ..                        | Electricity Act, 1957 ...                        | S. 2 (7) am. (E.)<br>S. 2 (7) ( <i>aa</i> ) added (E.)<br>S. 2 (9) added (E.)                                                                                                                                                                                                                                                                                                    | 8, s. 1, sch.                                                                                                                                                                                                                                                                 |
| c. 49 ... ..                        | Finance Act, 1957 ...                            | S. 14 (1) proviso appl. ... ..<br>S. 14 (2) (b) (ii) expld. ... ..<br>Sch. 3 para. 1 (1) ext. ... ..<br>(1)-(3), (5).                                                                                                                                                                                                                                                            | 36, s. 14 (2).<br>36, s. 14 (3).<br>36, ss. 26, 27                                                                                                                                                                                                                            |
| c. 50 ... ..                        | Army (Conditions of Enlistment) Act, 1957.       | Sch. 3 para. 4 ext. ... ..<br>Excl. ... ..                                                                                                                                                                                                                                                                                                                                       | 36, s. 27 (4).<br>52, s. 7 (1) (8).                                                                                                                                                                                                                                           |
| c. 53 ... ..                        | Naval Discipline Act, 1957.                      | Restr. (meaning of "colony").<br>S. 42 saved ... ..<br>S. 48 (2) am. ... ..<br><br>S. 60 (6) added ... ..<br>S. 82 (3) am. ... ..<br>S. 84 (5) am. ... ..<br><br>S. 135 (1) am. (meaning of "Commonwealth country").                                                                                                                                                             | 16, s. 3 (2) (a).<br>1 (10 Eliz. 2), s. 3 (2) (a).<br>39, s. 39 (2).<br>60, ss. 2 (3), 3 (3), sch. 1 Pt. II.<br>21, s. 1.<br>39, s. 22 (3).<br>39, s. 41 (1) (3), sch. 4.<br>16, s. 3 (2) (b).<br>1 (10 Eliz. 2), s. 3 (2) (b).                                               |

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| 5 & 6 Eliz. 2:<br>c. 54 ... ..      | Tanganyika Agricultural Corporation Act, 1957. | Am. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1 (10 Eliz. 2), s. 4 (2).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| c. 56 ... ..                        | Housing Act, 1957 ...                          | <p>S. 4 appl. ...</p> <p>S. 9 am. (exc. London)...<br/>S. 12 (4) saved and mod. am. (exc. London) (<i>prosp.</i>)</p> <p>S. 16 (1) appl. ... ..<br/>S. 23 am. (exc. London)<br/>S. 24 (1) am. ... ..<br/>Ss. 27 (5), 28 am. ... ..<br/>S. 29 (2) saved and mod. am. (exc. London) (<i>prosp.</i>)</p> <p>S. 33 (1) ext. ... ..<br/>S. 36 rep. ... ..</p> <p>S. 38 (2) rep. ... ..</p> <p>Pt. III (ss. 42-75) expld.<br/>S. 44 appl. ... ..</p> <p>S. 44 (3) am. (exc. London).<br/>excl. ... ..</p> <p>S. 45 appl. ... ..</p> <p>S. 45 (2)-(4) excl. ... ..</p> <p>S. 46 saved ... ..</p> <p>S. 53 saved ... ..</p> <p>S. 59 (1) am. ... ..</p> <p>S. 59 (2) saved and mod. am. (exc. London) (<i>prosp.</i>)</p> <p>S. 59 (3) saved and mod.<br/>Ss. 60, 61 susp. ... ..<br/>Ss. 64 (3), 74 (4) am. ... ..</p> <p>S. 90 saved ... ..<br/>am. ... ..</p> <p>S. 90 (5) rep. ... ..</p> <p>S. 114 (1) am. ... ..</p> <p>Ss. 119-124 ext. ...</p> | <p>33, s. 10, sch. 2 para. 2 (5).<br/>65, s. 8 (3).</p> <p>64, s. 26 (7).<br/>33, s. 10, sch. 2.<br/>64, ss. 5 (2), 11 (2), 86 (2) (a), sch. 1 Pt. III.</p> <p>65, s. 26 (2).<br/>64, s. 29 (4).<br/>65, s. 25.<br/>65, s. 26 (3).<br/>33, s. 10, sch. 2.<br/>64, ss. 5 (2), 11 (2), 86 (2) (a), sch. 1 Pt. III.</p> <p>65, s. 23 (2).<br/>65, ss. 23 (9), 36 (5), sch. 4.</p> <p>65, ss. 27 (1), 36 (5), sch. 4.</p> <p>65, s. 24 (4).<br/>65, s. 24 (7), sch. 3 para. 5.<br/>64, s. 29 (4).</p> <p>65, s. 24 (7), sch. 3 para. 4.</p> <p>65, s. 24 (7), sch. 3 para. 4.</p> <p>65, s. 24 (7), sch. 3 para. 7.</p> <p>65, s. 24 (7), sch. 3 para. 8.</p> <p>33, s. 40 (2), sch. 4.</p> <p>33, s. 10, sch. 2.<br/>64, ss. 5 (2), 11 (2), 86 (2) (a), sch. 1 Pt. III.</p> <p>33, s. 10, sch. 2.<br/>65, s. 24 (7), sch. 3 para. 6.</p> <p>33, s. 40 (2), sch. 4.</p> <p>65, s. 19 (12).<br/>65, s. 20.<br/>65, ss. 20 (3), 36 (5), sch. 4.</p> <p>65, ss. 11 (2), sch. 2 para. 3.<br/>C.A.M. No. 3, s. 29.</p> |



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| 5 & 6 Eliz. 2:<br>c. 56— <i>cont.</i> | Housing Act, 1957— <i>cont.</i>              | <p>S. 124 rep. in pt. ...</p> <p>S. 148 (3) rep. (exc. London) (<i>prosp.</i>)</p> <p>Ss. 159–160 appl. ...</p> <p>S. 159 ext. ...</p> <p>S. 169 (2) rep. ...</p> <p>S. 170 saved ...</p> <p>S. 189 (1) saved in pt. ("building byelaws"). (exc. London).<br/>rep. in pt. (exc. London) (<i>prosp.</i>)<br/>ext. ...</p> <p>Sch. 2 para. 3 (1) (a) am.</p> <p>Sch. 3 Pt. III para. 4 mod.</p> <p>Sch. 3 paras. 7 (1) (b) rep., 8 (1) rep. in pt., 8 (2) rep.</p> <p>Sch. 5 para. 2 proviso ext. (mod.).</p> <p>Sch. 10 rep. so far as relating (in pt.) to the Town and Country Planning Act, 1944 (7 &amp; 8 Geo. 6, c. 47).</p> | <p>65, ss. 27 (2), 36 (5), sch. 4.</p> <p>64, s. 86 (3), sch. 5 Pt. I.</p> <p>33, s. 10, sch. 2 para. 2 (5).</p> <p>65, s. 23 (6).</p> <p>65, ss. 27 (3), 36 (5), sch. 4.</p> <p>65, s. 22 (4).</p> <p>64, s. 5 (2).</p> <p>64, s. 86 (3), sch. 5 Pt. I.</p> <p>C.A.M. No. 3, s. 29.</p> <p>65, s. 27 (4).</p> <p>33, s. 8 (1).</p> <p>33, s. 40 (3), sch. 5.</p> <p>65, s. 24 (6).</p> <p>33, s. 40 (3), sch. 5.</p> |
| c. 60 ...                             | Federation of Malaya Independence Act, 1957. | Sch. 1 para. 8 rep. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 62, s. 16 (2), sch. 5.                                                                                                                                                                                                                                                                                                                                                                                                |
| c. 62 ...                             | Governors' Pensions Act, 1957.               | Ss. 3 (1), 9 am. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | S.I. 1961/179.                                                                                                                                                                                                                                                                                                                                                                                                        |
| 6 & 7 Eliz. 2:<br>c. 1 ...            | National Insurance (No. 2) Act, 1957.        | <p>Ss. 2 (2) rep. in pt. ...</p> <p>3 (1) rep., 3 (2) rep. in pt., 4 (1) rep. in pt., 5 rep.</p> <p>S. 7 (1) rep. ...</p> <p>S. 7 (2) rep. ...</p> <p>S. 8 (2) rep. in pt. ...</p> <p>S. 8 (3) rep. in pt., 8 (4), sch. 6 rep.</p>                                                                                                                                                                                                                                                                                                                                                                                                | <p>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.</p> <p>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. II.</p> <p>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.</p> <p>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. II.</p> <p>6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.</p>                                                                                                                                                                     |
| c. 5 ...                              | Post Office and Telegraph (Money) Act, 1958. | Rep. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 15, s. 14.                                                                                                                                                                                                                                                                                                                                                                                                            |

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| 6 & 7 Eliz. 2:<br>c. 6 ... ..       | Import Duties Act, 1958                          | S. 2 (4) am. ...                                                                 | 16, s. 3 (3), sch. 3 para. 4.                                    |
|                                     |                                                  | am. ( <i>temp.</i> ) ...                                                         | 1 (10 Eliz. 2), s. 3 (4), sch. 2 para. 4.                        |
|                                     |                                                  | S. 8 (5) mod. ...                                                                | S.I. 1961/2459.                                                  |
|                                     |                                                  | S. 13 (1) saved ...                                                              | 36, s. 10 (1).<br>S.I. 1961/960.                                 |
| c. 10 ... ..                        | British Nationality Act, 1958.                   | Ext. (Tanganyika) ...                                                            | 36, s. 9 (6), sch. 4 para. 3.                                    |
| c. 11 ... ..                        | Isle of Man Act, 1958 ...                        | S. 2 ext. ...                                                                    | 1 (10 Eliz. 2), s. 2 (1).                                        |
|                                     |                                                  | expld. ...                                                                       | 36, s. 5 (3).                                                    |
| c. 14 ... ..                        | Overseas Service Act, 1958.                      | Ss. 1 (1), (8), 2 (1), 4 (1) (2), 5 (1) ext. (Secretary for Tech. Co-operation). | 36, s. 9 (10).<br>S.I. 1961/1501.                                |
|                                     |                                                  | S. 7 (1)-(3) appl. ...                                                           | 10, s. 1 (4).                                                    |
| c. 16 ... ..                        | Commonwealth Institute Act, 1958.                | Sch. 2 am. ...                                                                   | 16, s. 3 (3), sch. 3 para. 16.                                   |
|                                     |                                                  |                                                                                  | 1 (10 Eliz. 2), s. 3 (4), sch. 2 para. 16.                       |
| c. 20 ... ..                        | National Health Service Contributions Act, 1958. | Rep. ... ..                                                                      | 13, s. 1 (6).                                                    |
| c. 37 ... ..                        | Drainage Rates Act, 1958                         | S. 1 (2) (3) (5) appl. ...                                                       | 48, s. 7 (1).                                                    |
|                                     |                                                  | S. 1 (2), as appl., mod. ...                                                     | 48, s. 8 (2).                                                    |
| c. 42 ... ..                        | Housing (Financial Provisions) Act, 1958.        | Ss. 1-6 rep. as respects certain dwellings.                                      | 65, ss. 1 (5), 36 (5), sch. 4.                                   |
|                                     |                                                  | S. 7 ext. ...                                                                    | 65, s. 5 (2).                                                    |
|                                     |                                                  | S. 8 (1) (2) ext. (mod.) ...                                                     | 65, s. 6.                                                        |
|                                     |                                                  | Ss. 9 (1)-(3) (6), 12 ext. (mod.) (Isles of Scilly).                             | S.I. 1961/136.                                                   |
|                                     |                                                  | S. 15 ext. ...                                                                   | 65, s. 9 (1).                                                    |
|                                     |                                                  | ext. (mod.) (Isles of Scilly).                                                   | S.I. 1961/136.                                                   |
|                                     |                                                  | S. 15 (1) ext. ...                                                               | 65, s. 9 (2).                                                    |
|                                     |                                                  | S. 15 (4) am. ...                                                                | 65, s. 9 (1).                                                    |
|                                     |                                                  | S. 19 (1) (a) am. ...                                                            | 65, s. 11 (2), sch. 2 para. 13.                                  |
|                                     |                                                  | S. 19 (4) am. ...                                                                | 65, s. 11 (2), sch. 2 para. 5.                                   |
|                                     |                                                  | S. 22 expld. ...                                                                 | 65, s. 9 (4).                                                    |
|                                     |                                                  | ext. (mod.) (Isles of Scilly).                                                   | S.I. 1961/136.                                                   |
|                                     |                                                  | Ss. 23, 24 (1) am. ...                                                           | 65, s. 11 (2), sch. 2 para. 6.                                   |
|                                     |                                                  | S. 25 am. ...                                                                    | 65, s. 11 (2), sch. 2 para. 7.                                   |
|                                     |                                                  | S. 28 am. ...                                                                    | 65, s. 11 (2), sch. 2 para. 8.                                   |
|                                     |                                                  | S. 29 (2) am. ...                                                                | 65, s. 11 (2), sch. 2 para. 4 (2).                               |
|                                     |                                                  | Ss. 30, 31 ext. (mod.) (Isles of Scilly).                                        | S.I. 1961/136.                                                   |
|                                     |                                                  | S. 31 (3) restr. ...                                                             | 65, s. 31 (1).                                                   |

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| 6 & 7 Eliz. 2:<br>c. 42— <i>cont.</i> | Housing (Financial Provisions) Act, 1958— <i>cont.</i>                        | Ss. 32–36 ext. (mod.) (Isles of Scilly).                                         | S.I. 1961/136.                                                   |
|                                       |                                                                               | S. 36 am. ... ..                                                                 | 65, s. 11 (2), sch. 2 para. 9.                                   |
|                                       |                                                                               | Ss. 37, 38, 40, 42–45, 49 ext. (mod.) (Isles of Scilly).                         | S.I. 1961/136.                                                   |
|                                       |                                                                               | S. 50 (3) expld. ... ..                                                          | 65, s. 9 (4).                                                    |
|                                       |                                                                               | S. 51 (1) mod. ... ..                                                            | 65, s. 4 (3).                                                    |
|                                       |                                                                               | S. 57 ext. ... ..                                                                | 65, s. 11 (2), sch. 2 para. 10.                                  |
|                                       |                                                                               | S. 58 (2) am. ... ..                                                             | 65, ss. 8 (2), 10 (4), 11 (2), sch. 2 paras. 4 (1), 14.          |
|                                       |                                                                               | Sch. 4 para. 3 ( <i>aa</i> ) added                                               | 65, s. 31 (2).                                                   |
|                                       |                                                                               | Sch. 4 para. 9 (2) subst.                                                        | 65, s. 31 (3).                                                   |
|                                       |                                                                               | Sch. 5 paras. 4 (2) added, 5 subst.                                              | 65, s. 11 (2), sch. 2 para. 15.                                  |
| c. 45 ... ..                          | Prevention of Fraud (Investments) Act, 1958.                                  | Power to excl. ... ..                                                            | 62, s. 11 (3).                                                   |
| c. 47 ... ..                          | Agricultural Marketing Act, 1958.                                             | S. 16 para. ( <i>a</i> ) rep. in pt.                                             | 62, s. 16 (2), sch. 5.                                           |
| c. 55 ... ..                          | Local Government Act, 1958.                                                   | S. 54 rep. ... ..                                                                | 62, s. 16 (2), sch. 5.                                           |
| c. 56 ... ..                          | Finance Act, 1958 ...                                                         | Sch. 3 am. ... ..                                                                | S.I. 1961/1359.                                                  |
|                                       |                                                                               | S. 10 rep. ... ..                                                                | 6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. I.                         |
|                                       |                                                                               | S. 14 (3) am. ... ..                                                             | 36, s. 15.                                                       |
|                                       |                                                                               | S. 25 (1) am. ... ..                                                             | 36, s. 31.                                                       |
| c. 63 ... ..                          | Park Lane Improvement Act, 1958.                                              | Sch. 2 Pt. I am. ... ..                                                          | S.I. 1961/2285, 2499, 2500.                                      |
|                                       |                                                                               | S. 16 (4) rep. in pt. ...                                                        | 55, s. 9 (4), sch. 3 Pt. II.                                     |
|                                       |                                                                               | S. 16 rep. ... ..                                                                | 62, s. 16 (2), sch. 5.                                           |
| c. 64 ... ..                          | Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958. | S. 9 appl. ... ..                                                                | S.I. 1961/153, art. 3.                                           |
|                                       |                                                                               | S. 9 (1)–(4), (9) ext. (Isle of Man), so far as relating to certain proceedings. | S.I. 1961/1835.                                                  |
|                                       |                                                                               | Sch. 1 Pt. I am. ... ..                                                          | S.I. 1961/153, art. 3.                                           |
| c. 66 ... ..                          | Tribunals and Inquiries Act, 1958.                                            | S. 7 rep. ... ..                                                                 | 34, s. 183 (2), sch. 7.                                          |
|                                       |                                                                               | S. 7 rep. ... ..                                                                 | 34, s. 183 (2), sch. 7.                                          |
| c. 70 ... ..                          | Slaughterhouses Act, 1958.                                                    | S. 7 rep. ... ..                                                                 | 34, s. 183 (2), sch. 7.                                          |
|                                       |                                                                               | S. 7 rep. ... ..                                                                 | 34, s. 183 (2), sch. 7.                                          |
|                                       |                                                                               | S. 7 rep. ... ..                                                                 | 34, s. 183 (2), sch. 7.                                          |
| 7 & 8 Eliz. 2:<br>c. 18 ... ..        | Family Allowances and National Insurance Act, 1959.                           | S. 4 (1) ( <i>b</i> ) rep., 4 (2) rep. in pt., 4 (3) rep. in pt.                 | 6 (10 Eliz. 2), s. 14 (4), sch. 4 Pt. II.                        |
|                                       |                                                                               | Sch. 3 para. 3 am. ... ..                                                        | 16, s. 3 (3), sch. 3 para. 10.                                   |
| c. 19 ... ..                          | Emergency Laws (Repeal) Act, 1959.                                            | Sch. 3 para. 3 am. ... ..                                                        | 1 (10 Eliz. 2), s. 3 (4), sch. 2 para. 9.                        |

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| 7 & 8 Eliz. 2:<br>c. 25 ... ..      | Highways Act, 1959 ...                | <p>S. 7 ext. ... ..</p> <p>Ss. 8-10 ext. ... ..</p> <p>Ss. 11 (8) appl., 20 (3)-(5), (7) appl. ... ..</p> <p>S. 46 ext. ... ..</p> <p>S. 64 ext. ... ..</p> <p>S. 82 (1) am. ... ..</p> <p>S. 82 (8) added ... ..</p> <p>S. 89 (1) rep. in pt. (3.8.1964). ... ..</p> <p>S. 103 (2) am. ... ..</p> <p>S. 103 (3) ext. ... ..</p> <p>S. 117 (1) (cc) added ... ..</p> <p>S. 128 am. ... ..</p> <p>S. 129 ext. ... ..</p> <p>S. 134 (2)-(4) ext. ... ..</p> <p>S. 145 (1) (2) rep. ... ..</p> <p>S. 145 (3) (4) rep. ... ..</p> <p>S. 156 ext. ... ..</p> <p>S. 157 ext. ... ..</p> <p>Pt. IX expld. (street works in private streets). ... ..</p> <p>S. 174 (1) mod. ... ..</p> <p>S. 189 (1) mod. ... ..</p> <p>S. 189 (1) proviso am. ... ..</p> <p>Ss. 192 (1), 193 (1) am. (<i>prosp.</i>). ... ..</p> <p>S. 202 (1) ext. ... ..</p> <p>S. 204 saved ... ..</p> <p>S. 210 (2) rep. in pt. ... ..</p> <p>S. 213 (1) (2) am. (<i>prosp.</i>) ... ..</p> <p>Ss. 214 (3), 215 (3) excl. ... ..</p> <p>S. 222 (6) mod. ... ..</p> <p>S. 222 (8) rep. ... ..</p> <p>S. 256 (4) am. ... ..</p> <p>ext. ... ..</p> <p>S. 261 ext. ... ..</p> <p>Ss. 267, 268 appl. ... ..</p> <p>Ss. 285 (1), 286 (1) (3) (6) appl. ... ..</p> <p>S. 288 mod. ... ..</p> <p>S. 291 (10) ext. ... ..</p> <p>S. 298 rep. (3.8.1964) ... ..</p> <p>S. 300 (2) appl. (mod.) ... ..</p> <p>S. 307 (1) saved ... ..</p> <p>S. 308 (3) am. ... ..</p> <p>Schs. 1 Pt. II, 2 appl. ... ..</p> <p>Sch. 4 subst. ... ..</p> <p>Sch. 12 Pt. II appl. (mod.) ... ..</p> | <p>63, s. 2 (1) (2).</p> <p>63, s. 2 (2).</p> <p>63, s. 3 (2).</p> <p>63, s. 4 (1).</p> <p>63, s. 2 (2).</p> <p>63, s. 5 (1) (2).</p> <p>63, s. 5 (3).</p> <p>63, s. 1 (6) (8).</p> <p>63, s. 6 (2).</p> <p>63, s. 6 (2).</p> <p>63, s. 7.</p> <p>63, s. 8.</p> <p>63, s. 9.</p> <p>63, s. 10 (2).</p> <p>64, ss. 24 (2), 86 (3), sch. 5 Pt. II</p> <p>64, ss. 25 (10), 86 (3), sch. 5 Pt. II.</p> <p>64, s. 51.</p> <p>64, s. 50.</p> <p>24, s. 2 (2).</p> <p>24, s. 2 (2).</p> <p>24, s. 2 (3).</p> <p>24, s. 1.</p> <p>64, ss. 5 (1), 11 (2), 86 (2) (a), sch. 1 Pt. III.</p> <p>63, s. 11.</p> <p>64, s. 47 (2).</p> <p>63, s. 12.</p> <p>64, ss. 5 (1), 11 (2), 86 (2) (a), sch. 1 Pt. III.</p> <p>63, s. 13.</p> <p>33, s. 8 (1).</p> <p>33, s. 40 (3), sch. 5.</p> <p>63, s. 6 (3).</p> <p>63, s. 10 (2).</p> <p>63, s. 16 (3).</p> <p>64, s. 43 (4).</p> <p>63, s. 3 (2).</p> <p>63, s. 16 (4).</p> <p>63, s. 2 (2).</p> <p>63, s. 1 (6) (8).</p> <p>63, s. 14 (6).</p> <p>64, s. 47 (3).</p> <p>63, s. 6 (3).</p> <p>63, s. 3 (2).</p> <p>S.I. 1961/1210.</p> <p>63, s. 14 (6).</p> |
| c. 33 ... ..                        | House Purchase and Housing Act, 1959. | <p>S. 1 (1) (a) rep. ... ..</p> <p>S. 1 (2) am. ... ..</p> <p>S. 1 (5) rep. ... ..</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <p>62, s. 16 (2), sch. 5.</p> <p>62, s. 16 (1), sch. 4 para. 6.</p> <p>62, s. 16 (2), sch. 5.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

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| 7 & 8 Eliz. 2:<br>c. 33— <i>cont.</i> ... | <b>House Purchase and Housing Act, 1959—<i>cont.</i></b>          | S. 4 (1) (c) subst. ...<br>S. 4 (1) (d) rep. in pt.,<br>4 (5) rep.<br>S. 5 (3) restr. ... ..                                                                                                                                                                                                                                             | 65, s. 30.<br>65, ss. 30 (3) (4),<br>36 (5), sch. 4.<br>65, s. 31 (1).                                                                                                                                    |
| c. 36 ... ..                              | <b>Rating and Valuation Act, 1959.</b>                            | S. 2 rep. ( <i>prosp.</i> ) ... ..                                                                                                                                                                                                                                                                                                       | 45, s. 29 (2), sch.<br>5 Pt. I.                                                                                                                                                                           |
| c. 37 ... ..                              | <b>Restriction of Offensive Weapons Act, 1959.</b>                | S. 1 (1) am. ... ..<br>S. 1 (2) ext. (N.I.) ... ..<br>S. 2 (3) mod. ... ..                                                                                                                                                                                                                                                               | 22, s. 1.<br>22, s. 2.<br>22, s. 2.                                                                                                                                                                       |
| c. 43 ... ..                              | <b>Post Office Works Act, 1959.</b>                               | S. 6 rep. ... ..                                                                                                                                                                                                                                                                                                                         | 15, s. 28 (1), sch.                                                                                                                                                                                       |
| c. 46 ... ..                              | <b>Nuclear Installations (Licensing and Insurance) Act, 1959.</b> | S. 4 (3) rep. in pt. ( <i>prosp.</i> )                                                                                                                                                                                                                                                                                                   | 27, s. 14 (3),<br>sch. 2.                                                                                                                                                                                 |
| c. 47 ... ..                              | <b>National Insurance Act, 1959.</b>                              | Ss. 14 (2) (3), 16 (2) (3)<br>rep.                                                                                                                                                                                                                                                                                                       | 6 (10 Eliz. 2),<br>s. 14 (4), sch. 4<br>Pt. II.                                                                                                                                                           |
| c. 53 ... ..                              | <b>Town and Country Planning Act, 1959.</b>                       | Pt. I (ss. 1–21), exc. ss.<br>14–16, rep.<br>S. 26 ext. ... ..<br><br>S. 31 (4) (f) rep. ... ..<br><br>Pt. IV (ss. 39–43) mod.<br><br>S. 57 (1) am. (“grant-<br>aided function”).<br>Schs. 1–3 rep., sch. 7 rep.<br>in pt. (so far as relating<br>to s. 54 of the Town and<br>Country Planning Act,<br>1947 (10 & 11 Geo. 6,<br>c. 51)). | 33, s. 40 (3),<br>sch. 5.<br>48, s. 32, sch. 1<br>Pt. I para. 18<br>(3).<br>33, s. 40 (3),<br>sch. 5.<br>33, s. 10, sch. 2<br>para. 2.<br>65, s. 11 (2),<br>sch. 2 para. 11.<br>33, s. 40 (3),<br>sch. 5. |
| c. 57 ... ..                              | <b>Street Offences Act, 1959</b>                                  | S. 3 rep. and superseded                                                                                                                                                                                                                                                                                                                 | 61, ss. 3 (7), 38<br>(3), sch. 9 Pt. II.                                                                                                                                                                  |
| c. 58 ... ..                              | <b>Finance Act, 1959 ...</b>                                      | Ss. 2 (1) rep. in pt. (E.),<br>3 (1) rep. (E.).<br>S. 4 expld. ... ..<br><br>S. 4 (1) proviso (a), 4 (10)<br>rep. (E.).<br>S. 5 rep. (E.) ... ..<br><br>S. 11 superseded ... ..                                                                                                                                                          | 61, s. 38 (3), sch.<br>9 Pt. I.<br>61, s. 37 (5), sch.<br>8 para. 6.<br>61, s. 38 (3), sch.<br>9 Pts. I, II.<br>61, s. 38 (3), sch.<br>9 Pt. I.<br>36, s. 6 (1), sch. 2<br>Pt. II.                        |
| c. 62 ... ..                              | <b>New Towns Act, 1959 ...</b>                                    | S. 13 expld. ... ..<br>S. 4 am. ... ..<br>S. 4 (4) appl. (mod.) ... ..<br>Sch. 2 para. 4 (1) am. ... ..                                                                                                                                                                                                                                  | 36, s. 8.<br>65, s. 1 (4).<br>65, s. 10 (2).<br>65, s. 11 (2), sch.<br>2 para. 16.                                                                                                                        |
| c. 63 ... ..                              | <b>Export Guarantees Act, 1959.</b>                               | S. 1 (2) rep. ... ..                                                                                                                                                                                                                                                                                                                     | 3 (10 Eliz. 2)<br>s. 2 (2).                                                                                                                                                                               |
| c. 65 ... ..                              | <b>Fatal Accidents Act, 1959</b>                                  | Ss. 1 (5) rep., ( <i>prosp.</i> ) 2<br>(1), 3 (5) rep. in pt.<br>( <i>prosp.</i> )                                                                                                                                                                                                                                                       | 27, s. 14 (3),<br>sch. 2.                                                                                                                                                                                 |
| c. 67 ... ..                              | <b>Factories Act, 1959 ...</b>                                    | Rep. ... ..                                                                                                                                                                                                                                                                                                                              | 34, s. 183 (2),<br>sch. 7.                                                                                                                                                                                |
| c. 71 ... ..                              | <b>Colonial Development and Welfare Act, 1959.</b>                | Ss. 1 (1), 2 (1) ext. (Secretary for Tech. Co-operation).                                                                                                                                                                                                                                                                                | S.I. 1961/1501.                                                                                                                                                                                           |

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| 7 & 8 Eliz. 2—cont.<br>c. 72 ... .. | Mental Health Act, 1959                      | Ss. 73 (2) (a), 79 (1) am.<br>Ss. 85–87, 92, 93 (3) (b) subst. ( <i>prosp.</i> )<br>S. 118 (2) (3) appl. ...<br>Sch. 7 Pt. II rep. in pt. ( <i>prosp.</i> )                                                                                                                                                                                                                                                   | 39, s. 41 (1) (3), sch. 4.<br>15 (N.I.), s. 115, sch. 5.<br>S.I. 1961/4, r. 3 (1) (a).<br>15 (N.I.), s. 115, sch. 5. |
| 8 & 9 Eliz. 2:<br>c. 2 ... ..       | Post Office and Telegraph (Money) Act, 1959. | Rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                   | 15, s. 14.                                                                                                           |
| c. 6 ... ..                         | Commonwealth Scholarships Act, 1959.         | Ss. 1 (2) (8), 2 ext. (Secretary for Tech. Co-operation).                                                                                                                                                                                                                                                                                                                                                     | S.I. 1961/1501.                                                                                                      |
| c. 7 ... ..                         | Sea Fish Industry Act, 1959.                 | S. 1 rep. in pt. ... ..                                                                                                                                                                                                                                                                                                                                                                                       | 18, s. 4 (2), sch.                                                                                                   |
| c. 12 ... ..                        | Distress for Rates Act, 1960.                | S. 1 appl. ... ..<br>S. 12 (3) rep. in pt. ...                                                                                                                                                                                                                                                                                                                                                                | 48, s. 10 (1).<br>45, ss. 25, 29 (2), schs. 4 para. 16, 5 Pt. II.                                                    |
| c. 16 ... ..                        | Road Traffic Act, 1960...                    | S. 66 excl. ... ..<br>S. 66 (1) excl. ... ..<br>S. 66 (2) am. ... ..<br>S. 207 (2) (c) excl. ...                                                                                                                                                                                                                                                                                                              | S.I. 1961/209, reg. 3.<br>S.I. 1961/209, regs. 4, 5.<br>S.I. 1961/2256.<br>S.I. 1961/1465, reg. 12 (4).              |
| c. 19 ... ..                        | European Free Trade Association Act, 1960.   | S. 253 (4) mod. ... ..<br>Sch. 1 para. 1 (1) am. ...<br>S. 3 (1) mod. (Finland)...                                                                                                                                                                                                                                                                                                                            | S.I. 1961/1215.<br>S.I. 1961/1377.<br>S.I. 1961/994.                                                                 |
| c. 38 ... ..                        | Civil Aviation (Licensing) Act, 1960.        | S. 10 (1) am. ... ..<br>Appl. (mod.) (Channel Islands).<br>Appl. (mod.) (Isle of Man)<br>Apptd. day for ss. 1 (2), 6 (30.3.61).<br>Apptd. day for s. 9 exc. so far as repealing s. 12 of 12, 13 & 14 G. 6. c. 67 and entries referred to in s. 9 (30.3.61).<br>Apptd. day for s. 9 so far as repealing s. 12 of 12, 13 & 14 G. 6. c. 67 and entries referred to in s. 9 (31.7.61).<br>S. 2 (7) (b) restr. ... | S.I. 1961/1186.<br>S.I. 1961/574.<br>S.I. 1961/575.<br>S.I. 1961/304.                                                |
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- 46. Reports, accounts and returns.

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- §108. Exception as to holidays on different days for different sets.
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- 114. Provision for protection of women and young persons employed under exceptions.
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- 116. Regulation of employment of young persons in certain occupations.

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- 118. Certificate of fitness for employment of young persons.
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- 123. Application of Act to electrical stations.

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- 124. Institutions.

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- 125. Docks, etc.
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- 9, and schedule 2. Recovery etc. of benefit and allowances wrongly paid.
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7. Advances to housing associations providing housing accommodation for letting.

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- 33, and schedule 1. Minor amendments of River Boards Act, 1948.

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